

Employment Practice Commission; to the Committee on Labor.

1611. Also, petition of T4g Carl A. Alexis, Jr., and others, petitioning consideration of their resolution with reference to their request for a speedy return from overseas; to the Committee on Military Affairs.

## SENATE

THURSDAY, FEBRUARY 21, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Lord of heaven and earth, we, the children of time, turn in gratitude to Thee who from everlasting to everlasting art God. As we pause at the footstool of Thy grace, our hearts are both bowed with awe and lifted up with hope. To a world where evil seems so rampant, may our contribution be a life purged of self, of all impurity and hatred, moved by compassion and by concern for all mankind. Amid pollution, may our own motives be a part of the salt of the earth, in the darkness our spirits be as the candle of the Lord. May the great causes that will mold the future into the pattern of Thy desire and design, that will heal the world and rebuild it, that will create good will and usher in abiding peace, challenge the best that is in us as we serve our brief day and gain the supreme allegiance of our love and labor. We ask it in the name of the Master of all good workmen. Amen.

### ATTENDANCE OF A SENATOR

ARTHUR H. VANDENBERG, a Senator from the State of Michigan, appeared in his seat today.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 18, 1946, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On February 18, 1946:

S. 314. An act for the relief of Sigurdur Jonsson and Thorolinn Thordardottir.

On February 20, 1946:

S. 380. An act to declare a national policy on employment, production, and purchasing power, and for other purposes.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 323. An act for the relief of Thomas F. Gray;

S. 400. An act for the relief of Elisabeth Andersen;

S. 543. An act for the relief of Felix Frederickson;

S. 683. An act for the relief of Mrs. Marie Nepple, as executrix of the estate of Earl W. Nepple, deceased, and Mrs. Marie Nepple, individually;

S. 865. An act for the relief of the estate of Agnes J. Allberry;

S. 1084. An act for the relief of John C. May and Eva Jenkins May;

S. 1126. An act for the relief of Alice A. Murphy;

S. 1131. An act for the relief of Jess Hudson;

S. 1400. An act for the relief of Robert R. Rowe, Jr.;

S. 1423. An act for the relief of Charles L. Phillips;

S. 1588. An act for the relief of Mrs. Lona Wilson; and

S. 1618. An act to exempt the Navy Department from statutory prohibitions against the employment of noncitizens, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 210. An act for the relief of Jackson Williams, Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor;

H. R. 238. An act for the relief of Henrietta Silk;

H. R. 1073. An act for the relief of Mrs. Gertrude Verbarq;

H. R. 1850. An act for the relief of Louise Zerweck;

H. R. 2243. An act for the relief of Arthur A. Guarino;

H. R. 2268. An act for the relief of Columbus Thomas;

H. R. 2710. An act to provide for the detention, care, and treatment of persons of unsound mind in certain Federal reservations in Virginia and Maryland;

H. R. 2736. An act for the relief of Norman Abbott;

H. R. 2880. An act for the relief of Fred E. Weber;

H. R. 2931. An act for the relief of Edward Oatneal, John N. Oatneal, Jr., and James R. Oatneal;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3513. An act for the relief of Braxton B. Folmar and Mary Inez Folmar, William Ernest Evans and Dora Ethel Evans, Joseph Thomas Avery and Maggie M. Avery, Robert H. Phillips and Hattie P. Phillips, and the legal guardian of James T. Avery, a minor;

H. R. 3523. An act for the relief of Sam Damico and Clint Hamm, operating as the D & H Grocery;

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 3751. An act for the relief of Mrs. Theodora O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures;

H. R. 3757. An act to provide for the public registering of patents available for licensing;

H. R. 4047. An act for the relief of Edward A. Hollis, Sr.;

H. R. 4056. An act for the relief of Mrs. Jud Hendry and her daughter, Gladys Hendry;

H. R. 4074. An act for the relief of Mrs. Jennie Burnison;

H. R. 4297. An act for the relief of Joseph Schell;

H. R. 4300. An act for the relief of the county of Hawaii, T. H.;

H. R. 4545. An act for the relief of George Leslie Dobson;

H. R. 4560. An act for the relief of Nicholas T. Stepp;

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis;

H. R. 5121. An act authorizing the Secretary of the Navy in his discretion to deliver to the custody of the State of Arkansas the silver service presented to the United States for the battleship *Arkansas*;

H. R. 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for presenting proof of acts abroad with respect to the making of an invention, and for other purposes; and

H. R. 5453. An act to authorize certain expenditures by the Alaska Railroad, and for other purposes.

### ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 50) to permit settlement of accounts of deceased officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, and of deceased commissioned officers of the Public Health Service, without administration of estates, and it was signed by the President pro tempore.

### LEAVE OF ABSENCE

Mr. DONNELL. Mr. President, I ask unanimous consent that I may be excused from attendance on the Senate the remainder of this week, after today, in order that I may fill an engagement in New York City.

The PRESIDENT pro tempore. Without objection, the leave is granted.

### BILL SIGNED DURING THE RECESS

Under authority of the order of the Senate of the 18th instant,

The PRESIDENT pro tempore announced that on February 19, 1946, he signed the enrolled bill (H. R. 5135) to amend the Agricultural Adjustment Act, as amended, which had been previously signed by the Speaker of the House of Representatives.

### CHARLES R. HOOPER—VETO MESSAGE RECEIVED DURING THE RECESS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Senate, which, with the message and bill, was read, referred to the Committee on Claims, and ordered to be printed, as follows:

UNITED STATES SENATE,  
Washington, February 21, 1946.

HON. KENNETH MCKELLAR,  
President pro tempore,  
United States Senate

Dear Mr. PRESIDENT: On yesterday, February 20, 1946, during the recess of the Senate, the attached message from the President of the United States addressed to the United States Senate was received by me, which I am herewith delivering to you for submission to the Senate at its meeting today.

Very sincerely,

LESLIE L. BIFFLE,  
Secretary.

To the United States Senate:

I return herewith, without my approval, S. 1480, a bill for the relief of Charles R. Hooper.

The bill proposes payment of the sum of \$4,000 to Charles R. Hooper, of Washington, D. C., in settlement of his claim against the United States by reason of a personal injury sustained, the loss of his left eye, while employed at the United States Navy Yard in Washington.

It appears that the claimant was employed by the Federal Government in the Navy Yard in Washington, D. C., from May 15, 1890, to October 1, 1895, as a blacksmith, and that, on August 1, 1894, while working in line of duty, his left eye was destroyed by a small piece of steel which was cast off of the hammer of a fellow workman.

After leaving the navy-yard service in 1895, the claimant established and operated a private grocery business. On March 3, 1909, he reentered the Federal service at the Government Printing Office, receiving a higher daily rate of pay than he was receiving at the Navy Yard. He continued in such employment until July 1, 1932, when he was retired on account of age. The claimant is now receiving an annuity of \$1,146.72 under the Civil Service Retirement Act.

Had the Federal Employees' Compensation Act, which was approved September 7, 1916, been in effect at the time this injury occurred, the criterion for determining the compensation, if any, which was payable to the claimant would be his loss of wage-earning capacity. By such standard, it is clear that the claimant would have been entitled at the most, if at all, to but a nominal amount since his wage-earning capacity seems not to have been impaired by the injury sustained by him.

While the loss to this claimant, and his pain and suffering, are to be regretted, they were not such as to prevent his long and gainful reemployment in the Government service, nor were they more than what countless other injured Federal servants have had to endure within the scope of the relief afforded by the Employees' Compensation Act.

For these reasons, I have felt obliged to withhold my approval of this measure.

HARRY S. TRUMAN.

THE WHITE HOUSE, February 19, 1946.

#### REPORTS OF A COMMITTEE FILED DURING THE RECESS

Under the authority of the order of the Senate of the 18th instant,

The following reports of a committee were submitted on February 20, 1946:

By Mr. ELLENDER, from the Committee on Claims:

S. 1190. A bill for the relief of Mrs. Henry H. Hay; without amendment (Rept. No. 964);

S. 1811. A bill to amend Public Law 277, Seventy-ninth Congress, so as to provide the Coast Guard, at such time as it is transferred back to the Treasury Department, with a system of laws for the settlement of claims, and for other purposes; without amendment (Rept. No. 965);

H. R. 948. A bill conferring jurisdiction upon the District Court of the United States for the Northern District of California, northern division, to hear, determine, and render judgment upon the claims of all persons for reimbursement for damages and losses sustained as a result of a flood which occurred in December 1937 in levee district No. 10, Yuba County, Calif.; without amendment (Rept. No. 961);

H. R. 1854. A bill for the relief of Thomas Sumner; with an amendment (Rept. No. 966);

H. R. 2393. A bill for the relief of Elsie Peter; without amendment (Rept. No. 962);

H. R. 2670. A bill for the relief of the legal guardian of Kathleen Lawton McGuire; with an amendment (Rept. No. 967);

H. R. 2974. A bill for the relief of the estate of Bobby Messick; without amendment (Rept. No. 963); and

H. R. 3791. A bill for the relief of Mrs. Florence Mersman; with an amendment (Rept. No. 968).

By Mr. HUFFMAN, from the Committee on Claims:

S. 1622. A bill for the relief of Gordon Cole Hart; with an amendment (Rept. No. 973);

H. R. 1489. A bill for the relief of Harold B. Alden and Walter E. Strohm; without amendment (Rept. No. 971);

H. R. 1615. A bill for the relief of the legal guardians of John Buchan and Lawrence Gillingham, minors; with amendments (Rept. No. 974); and

H. R. 2769. A bill for the relief of C. Frank James; without amendment (Rept. No. 972).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

S. 1310. A bill for the relief of Saunders Wholesale, Inc.; without amendment (Rept. No. 969); and

S. 1637. A bill for the relief of Herbert C. Rockwell; without amendment (Rept. No. 970).

By Mr. WILSON, from the Committee on Claims:

H. R. 3784. A bill for the relief of C. H. Brumfield; without amendment (Rept. No. 975).

#### EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

#### REPORT ON RADIO AND ELECTRICAL EQUIPMENT

A letter from the Administrator of the Surplus Property Administration, transmitting, pursuant to law, a report on radio and electrical equipment (with an accompanying report); to the Committee on Military Affairs

#### REVOLVING FUND FOR VETERANS' ADMINISTRATION

A letter from the Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to amend paragraph 8 of part VII, Veterans Regulation No. 1 (a), as amended, to authorize an appropriation of \$1,500,000 as a revolving fund in lieu of \$500,000 now authorized (with an accompanying paper); to the Committee on Finance.

#### DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying paper) to the Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

#### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Foreign Relations:

"Concurrent resolution memorializing the United States Senate and House of Representatives not to ratify any treaty or agreement with the Dominion of Canada or pass any legislation which may provide for the construction of the St. Lawrence seaway

"Whereas the Legislature of the State of New Jersey, on February 12, 1940, passed a concurrent resolution memorializing the United States Senate not to ratify a treaty with the Dominion of Canada for the proposed St. Lawrence seaway; and

"Whereas the Legislature of the State of New Jersey, on January 21, 1941, passed a concurrent resolution reaffirming its position in opposition to the proposed St. Lawrence seaway; and

"Whereas it appears that the present Congress of the United States may be called upon to approve or authorize the construction of the seaway; Therefore be it

"Resolved by the Senate of the State of New Jersey (the House of Assembly concurring), That this legislature reaffirm its position in opposition to the proposed St. Lawrence seaway because of its economic impracticability, its entire lack of advantage as a defense measure, and its detriment to business in the State of New Jersey; and be it further

"Resolved, That the Senate and the House of Representatives of the United States, and particularly the Senators and Representatives elected from the State of New Jersey, be memorialized and requested to not ratify any treaty or agreement for the proposed St. Lawrence seaway or to approve or authorize the construction thereof; and be it further

"Resolved, That a copy of this resolution be immediately transmitted to the Secretary of the United States Senate, the chairman of the Senate Committee on Foreign Relations, the Speaker of the House of Representatives, and to each Senator and Representative elected from the State of New Jersey."

A resolution of the Legislative Assembly of the Virgin Islands; ordered to lie on the table:

"Resolution petitioning the Congress of the United States to include in S. 1415 all Federal employees in the Virgin Islands of the United States

"Whereas there has passed the Senate and is now before the House a bill identified as S. 1415 to increase the rates of compensation of officers and employees of the Federal Government; and

"Whereas it does not appear that the Federal employees of the Virgin Islands are included in this act: Be it

"Resolved by the Legislative Assembly of the Virgin Islands in session assembled, That the Congress of the United States be and is hereby petitioned to include in S. 1415, Seventy-ninth Congress, first session, all Federal employees in the Virgin Islands; and be it further

"Resolved, That this resolution be forwarded to the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of the Treasury, the Governor of the Virgin Islands, and all Federal agencies in the Virgin Islands."

A letter in the nature of a memorial from Jane Wooley, of Youngstown, Ohio, remonstrating against the enactment of Senate bill 1508, to authorize the use by industry of silver held or owned by the United States; to the Committee on Banking and Currency.

A letter from the speaker of the House of Representatives of the Philippines, transmitting copy of a brief study made by him on the question whether members of the present Congress of the Philippines may hold over until the election of their successors (with



an accompanying paper); to the Committee on Territories and Insular Affairs.

By Mr. WALSH:

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Education and Labor:

"Resolution memorializing Congress to increase the aid to dependent children program

"Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to immediately pass legislation to so amend the Federal aid to dependent children law as to permit the matching with Federal funds of all amounts expended by States, or their political subdivisions, on account of aid to dependent children; and be it further

"Resolved, That copies of this resolution be sent by the State secretary to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Members of Congress from Massachusetts."

By Mr. GREEN:

A joint resolution of the Legislature of the State of Rhode Island; to the Committee on Agriculture and Forestry:

"Senate Joint Resolution 64

"Joint resolution requesting the Senators and Representatives from Rhode Island in the Congress of the United States to help in every way possible to alleviate the impending shortages of feed and grain for dairy cattle and poultry flocks in this State

"Whereas the shortage of feeds and grain for dairy cattle and poultry flocks which is developing particularly in the Northeastern States may soon make itself felt in Rhode Island; and

"Whereas because of the inability to get sufficient quantities of protein, feed mixers here are being forced to reduce the percentage of protein in their products; and

"Whereas feed from the Central West does not reach New England unless there is constant alertness, and the Northeastern Governors' Feed Committee and a feed advisory committee made up of Government representatives and members of the feed industry are to meet very soon in separate conferences, one in New York and one in Boston, to draft programs to meet a threatening situation: Now, therefore, be it

"Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be and they are earnestly requested to make every effort possible to alleviate the impending shortages of feed and grain for Rhode Island cattle and poultry; and be it further

"Resolved, That the secretary of state be and he is hereby authorized to transmit to the Senators and Representatives from Rhode Island in the Congress of the United States duly certified copies of this resolution."

#### CONTROL OF ATOMIC ENERGY— PETITION

Mr. DONNELL. Mr. President, I ask unanimous consent to present and to have printed in the body of the RECORD the contents of a petition which, in separate counterparts, is signed by approximately 1,000 persons, who are, respectively, students and faculty members of Washington University, St. Louis, Mo., and I ask that the counterparts themselves be appropriately referred.

I am not asking that the names of the signers be printed. The petition is addressed to Senator BRIEN S. McMAHON, chairman of the Special Committee on Control of Atomic Energy. Miss Jane Brown, a member of the student body of Washington University, was sent to the National Capital to present the petition

to the members of the committee and to the Senator from Missouri.

The PRESIDENT pro tempore. Without objection, the petition will be received and appropriately referred, and the contents of the petition, without the names, will be printed in the RECORD.

The petition was referred to the Special Committee on Atomic Energy and ordered to be printed in the RECORD, as follows:

Approving the growing opposition to the May-Johnson bill, we, the undersigned, hereby register our opposition to the principles of secrecy, monopoly, and arbitrary control as embodied in this act, and oppose the inclusion of these principles in any subsequent bill on atomic energy.

In view of the international implications of atomic-energy control, we advocate:

1. That any legislation on the control of atomic energy be preceded by adequate public hearings.
2. That control be vested in a board whose powers and limitations are clearly specified and which includes both scientists and lay civilians.
3. That no limitations be placed upon the free dissemination of basic scientific information.
4. That the control board be subject to any agency established within the United Nations Organization for international control of atomic power.

#### NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA—LETTER OF PROGRESSIVE CITIZENS' ASSOCIATION

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a letter I have received from the corresponding secretary of the Progressive Citizens' Association of Georgetown, Washington, D. C., stating that a resolution had been adopted by that association taking a stand in favor of the so-called Summers-Capper amendment to the Constitution for national representation of the District of Columbia.

There being no objection, the letter was received, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

PROGRESSIVE CITIZENS' ASSOCIATION  
OF GEORGETOWN,  
Washington, D. C., February 18, 1946.  
Senator ARTHUR CAPPER,  
Senate District Committee,  
United States Senate,  
Washington, D. C.

DEAR SENATOR CAPPER: The Progressive Citizens' Association of Georgetown, at its regular February meeting, unanimously adopted a resolution urging that the Summers-Capper amendment to the Constitution for national representation of the District of Columbia, be adopted as originally written and without any amendments.

The association is wholeheartedly behind your efforts to secure representation for the residents of Washington and the District of Columbia.

Very truly yours,  
VIRGINIA S. GAENEY,  
Corresponding Secretary.

#### RESOLUTIONS OF VETERANS OF FOREIGN WARS, OF EMPORIA, KANS., RELATING TO RENT CONTROLS

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and printing in the RECORD, resolutions adopted by Lowry-Funston Post, No. 1980, Veterans of Foreign Wars, Emporia, Kans. The post urges

the Office of Price Administration to impose rent controls upon residential and business properties in Emporia, Kans.

There being no objection, the resolutions were received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Whereas increases in rents of residential properties in the city of Emporia, Kans., have been unwarrantedly advanced without any increase in facilities or improvements in properties; and

Whereas many landlords, to increase rents without creating a howl, have ordered out present tenants, then doubled or tripled the rent and sought and obtained new tenants, much to the discomfort, expense, and loss of valuable time to the evicted tenants: Therefore be it

Resolved, That it is the considered judgment of the members of Lowry-Funston Post, No. 1980, here assembled, that an urgent invitation be extended to the Office of Price Administration to impose rent control upon residential and business properties in the district of Emporia, Kans.; and be it further

Resolved, That since many veterans returning from war fronts are the victims of conscienceless profiteers in rental fields, and that many are forced either to pay rents beyond their proper earning capacities or, in other cases just as reprehensible, are forced to offer and advertise bonuses for the privilege of securing a house or apartment at unwarranted rent levels, that we urge haste on the part of the Office of Price Administration in declaring this an emergency area and moving in and ordering price controls.

#### THE BUENOS AIRES AHORA AND SPRUILLE BRADEN

Mr. CAPPER. Mr. President, a number of Senators have received from the Buenos Aires publication *Ahora* clippings of an article attacking Assistant Secretary of State Spruille Braden. I call the Senate's attention to the fact that during the month of January 1946 the United States Embassy in Buenos Aires, acting on instructions from Washington, released to the press German documents implicating *Ahora* in the receipt of largess from the German Government. References to the receipt of German subsidies by *Ahora* and other Argentine newspapers are also made on page 57 of the recent Blue Book issued by the State Department.

I wish to make it a matter of record that *Ahora* is making these attacks as an evidence of its displeasure over the exposure of its Nazi connections, and I, therefore, request that the two letters, which I send to the desk, be printed as a part of my remarks at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BUENOS AIRES, January 29, 1946.  
Mr. ARTHUR CAPPER,  
Senate Office Building, Washington,  
D. C., Estados Unidos de America.

DEAR SIR: Herewith we enjoying ourselves in sending you the latest article published in *Ahora* which demonstrates that Mr. Spruille Braden has failed to tell the truth about our magazine. Per ship we are sending you the four whole issues of *Ahora* which treated this matter. In these ones we have made some serious imputations which were not and shall be not rectifiable neither by Mr. Braden nor by the United States of America Embassy at Argentina.

Yours very truly,  
PERIODICO ILUSTRADO AHORA.

DEPARTMENT OF STATE,  
Washington, February 20, 1946.  
The Honorable ARTHUR CAPPER,  
United States Senate.

MY DEAR SENATOR CAPPER: Thank you for your letter of February 13, 1946, enclosing a letter of January 29 to you from the Argentine magazine *Ahora*, with some pages of its January 29 issue.

You are right in making out that the editor is jumping on me. However, this is not surprising since, as you probably know, our Embassy in Buenos Aires released last January some material, found by our people in Germany, implicating *Ahora* as a recipient of largess from the German Government. The disclosure of this fact appears to have greatly irritated the editor of *Ahora*.

I appreciate your generous expression of confidence.

Sincerely yours,

SPRUILL BRADEN,  
Assistant Secretary.

#### LETTER FROM DR. J. D. ROGERS IN OPPOSITION TO COMPULSORY MILITARY TRAINING

Mr. CAPPER. Mr. President, I wish to read into the RECORD a letter I have received from Dr. J. D. Rogers, Marysville, Kans., in which he expresses his opposition to compulsory military training. His letter is as follows:

Who is clamoring for universal military training? No one but the brass hats who have something to gain. If this should become a law, in a very short time this Nation would be confronted with the military intrigue which obtains in all nations where there is universal military training. We will have introduced the military into our politics; so like the story of past history in other nations, we will have the military party and the labor party.

Certainly this Nation needs ample facilities to guard against the selfish motives of greedy men who compose the military parties of other nations. From the lessons learned in this last war, we are very certain that the next war will be waged by a few scientists and with such speed that it will be over almost before it has commenced. It would be over long before it has commenced. It would be over long before a large army could even get its pants on, even though equipped with zippers. The money required for the support and maintenance of a large army had better be spent on scientific developments, and the building and maintenance of machines for the purpose of guarding against aggression.

J. D. ROGERS, O. D.

MARYSVILLE, KANS.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GURNEY, from the Committee on Military Affairs:

S. 1746. A bill to govern distribution of war trophies; with amendments (Rept. No. 984).

By Mr. WILSON, from the Committee on Military Affairs:

H. R. 3755. A bill to establish an Optometry Corps in the Medical Department of the United States Army; with amendments (Rept. No. 985).

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

H. J. Res. 243. Joint resolution tendering the thanks of Congress to General of the Army George C. Marshall, and the members of the Army of the United States who have fought under his direction during the wars; and providing that the President of the United States shall cause a medal to be struck to be presented to General Marshall in the name of the people of the United States of America; with amendments (Rept. No. 983).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. 1043. A bill to set aside certain lands in Oklahoma in trust for the Indians of the Kiowa, Comanche, and Apache Indian Reservation; without amendment (Rept. No. 976);

S. 1085. A bill to provide for payment of travel and other expenses of members of the tribal council, business committees, or other tribal organizations, of the Osage Tribe of Indians in Oklahoma; without amendment (Rept. No. 977); and

H. R. 341. A bill relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes; with amendments (Rept. No. 978).

By Mr. O'MAHONEY, from the Committee on Indian Affairs:

H. R. 4027. A bill authorizing sale of the allotment of LeRoy Milliken on the Crow Indian Reservation, Mont.; without amendment (Rept. No. 979);

H. R. 4034. A bill authorizing the issuance of a patent in fee to Alice Yariott Othermedicine; without amendment (Rept. No. 980); and

H. R. 4035. A bill authorizing the issuance of a patent in fee to Wilbert Keiser; without amendment (Rept. No. 981).

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

S. 965. A bill to amend the Alaska game law; with an amendment (Rept. No. 982).

#### TEMPORARY HOUSING UNITS FOR VETERANS AND THEIR FAMILIES—REPORT OF A COMMITTEE

Mr. ELLENDER. Mr. President, from the Committee on Education and Labor, I ask unanimous consent to report favorably with amendments the bill (S. 1821), to amend section 502 of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, so as to authorize the appropriation of funds necessary to provide an additional 100,000 temporary housing units for distressed families of servicemen and for veterans and their families, and I submit a report (No. 986) thereon. The purpose of this bill is to authorize an additional appropriation of \$250,000,000 to build 100,000 housing units for distressed families of servicemen and for veterans and their families. Because of the importance of this bill I should like to give notice that early next week I shall move its consideration.

The PRESIDENT pro tempore. Without objection, the report will be received and the bill placed on the calendar.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

S. 1849. A bill to authorize the President to appoint Lt. Gen. Walter B. Smith to the office of Ambassador to Russia, without affecting his military status and perquisites; to the Committee on Military Affairs.

By Mr. KILGORE (for himself, Mr. MAGNUSON, Mr. JOHNSON of Colorado, Mr. PEPPER, Mr. FULBRIGHT, Mr. SALTONSTALL, Mr. THOMAS of Utah, and Mr. FERGUSON):

S. 1850. A bill to promote the progress of science and the useful arts, to secure the national defense, to advance the national health and welfare, and for other purposes; to the Committee on Military Affairs.

By Mr. VANDENBERG:

S. 1851. A bill to extend the statute of limitations with respect to suits by certain customs officers and employees for extra pay for Sunday and holiday services; to the Committee on the Judiciary.

By Mr. OVERTON:

S. 1852. A bill for the relief of Arlis Earl Teekell, a minor; to the Committee on Claims.

By Mr. JOHNSTON of South Carolina (for himself and Mr. MAYBANK):

S. 1853. A bill for the relief of Margaret J. Johnson; to the Committee on Claims.

By Mr. WALSH:

S. 1854. A bill to establish the civilian position of academic dean of the Postgraduate School of the Naval Academy and compensation therefor; to the Committee on Naval Affairs.

S. 1855. A bill to provide for the reimbursement of the town of Watertown, Mass., for the loss of taxes on certain property in such town acquired by the United States for use for military purposes; to the Committee on Claims.

By Mr. HATCH:

S. 1856. A bill to reserve for the use of the United States all deposits of fissionable materials contained in the public lands; to the Committee on Public Lands and Surveys.

(Mr. HATCH (by request) also introduced Senate bill 1857, to authorize the availability for certain necessary administrative expenses of appropriations for the Department of the Interior, which was referred to the Committee on Public Lands and Surveys, and appears under a separate heading.)

#### AVAILABILITY FOR CERTAIN NECESSARY ADMINISTRATIVE EXPENSES OF APPROPRIATIONS FOR INTERIOR DEPARTMENT

Mr. HATCH. Mr. President, by request of former Secretary of the Interior, Mr. Ickes, I ask unanimous consent to introduce for appropriate reference a bill to authorize the availability for certain necessary administrative expenses of appropriations for the Interior Department. I request that a letter from Mr. Ickes dated February 6, 1946, explaining the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and without objection, the letter will be printed in the RECORD.

The bill (S. 1857) to authorize the availability for certain necessary administrative expenses of appropriations for the Department of the Interior, was read twice by its title and referred to the Committee on Public Lands and Surveys.

The letter presented by Mr. HATCH was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,

Washington, D. C., February 6, 1946.

HON. KENNETH MCKELLAR,

President of the Senate.

MY DEAR SENATOR MCKELLAR: There is transmitted herewith a draft of a proposed bill to authorize expenditures to be made from appropriations for field work of the Department of the Interior for the hire, with or without personal services, of boats, work animals, and animal-drawn and motor-propelled vehicles and equipment; to authorize expenditures from appropriations for contingent expenses of the Department, to the extent specified therein, for the payment of damages to private property (not to exceed \$500 in any one case) caused by the negligent operation of motor vehicles covered by the contingent expense item; and to authorize the Department, in the administration of the Connally "Hot Oil" Act, to cooperate with



other Federal authorities and with State authorities. I request that the proposed bill be referred to the appropriate committee for consideration, and recommend its enactment.

Authority for the hire of work animals and animal-drawn and motor-propelled vehicles and equipment has been provided in annual appropriation acts for this Department for the past 20 years, the authorization being designated in each of the acts as section 2. From 1927 to 1935, inclusive, the authority applied specifically to appropriations for the General Land Office, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, and the National Park Service. In 1936 the Bureau of Mines was added, following its transfer to the Department, and beginning in 1940 the provision was made generally applicable to all appropriations for field work contained in the annual appropriation acts for the Department. In 1944 the provision was again changed to include boats in order that similar authority carried in appropriations for the Fish and Wildlife Service might be eliminated. It is necessary that this authorization be continued, as expenditures for these purposes are required in the field work of the various bureaus and offices of the Department and are in the interest of economy and efficiency of operations.

Authority for the payment of damages to private property by automobiles operated and maintained out of contingent expense funds has been provided in the appropriations for contingent expenses made each year, beginning with the fiscal year 1923. This authorization has been used only five or six times during the past 10 years and payments made have been small, averaging from ten to fifteen dollars each. Continuation of the authority is desired to permit prompt settlement of claims and to avoid the necessity of obtaining a separate appropriation in each instance.

Authority to cooperate with Federal and State agencies in matters pertaining to the production and conservation of oil and gas is essential to the successful administration and enforcement of the Connally "Hot Oil" Act. This authority has been included regularly by the Congress in the appropriation acts for this Department since the fiscal year 1940.

I wish to stress the fact that the draft of bill here transmitted seeks to confer no new powers on the Department of the Interior. The authorizations here sought are necessary adjuncts to the duties now imposed by law upon the Department and, I may add, are, for the most part, fairly to be implied from existing statutes. Their express reiteration in specific, as well as permanent, form is desired because of the difficulty of accurately forecasting what may or may not be determined, in the consideration of appropriation bills, to be subject to points of order.

This proposed legislation has been prepared in collaboration with the Bureau of the Budget and is transmitted at its suggestion.

Sincerely yours,

HAROLD L. ICKES,  
Secretary of the Interior.

#### AMENDMENT OF EMPLOYEES COMPENSATION ACT

Mr. FULBRIGHT submitted an amendment intended to be proposed by him to the bill (S. 1325) to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, which was ordered to lie on the table and to be printed.

#### CLAIM OF GEORGE McDONOUGH—WITHDRAWAL OF PAPERS

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the files and

affidavits accompanying Senate bill 962, for the relief of George McDonough, Seventy-seventh Congress, first session, filed by my predecessor, Senator Lodge, on February 26, 1941, be withdrawn from the files of the Senate, and returned to George McDonough, in whose behalf the bill was introduced. No adverse action was taken by the Senate on the bill, and the claimant would like to have his affidavits returned to him in order that he may use them elsewhere.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 210. An act for the relief of Jackson Williams, Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor;

H. R. 238. An act for the relief of Henrietta Silk;

H. R. 1073. An act for the relief of Mrs. Gertrude Verberg;

H. R. 1850. An act for the relief of Louise Zerweck;

H. R. 2243. An act for the relief of Arthur A. Guarino;

H. R. 2288. An act for the relief of Columbus Thomas;

H. R. 2736. An act for the relief of Norman Abbott;

H. R. 2880. An act for the relief of Fred E. Weber;

H. R. 2931. An act for the relief of Edward Oatneal, John N. Oatneal, Jr., and James R. Oatneal;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3513. An act for the relief of Braxton B. Folmar and Mary Inez Folmar, William Ernest Evans and Dora Ethel Evans, Joseph Thomas Avery and Maggie M. Avery, Robert H. Phillips and Hattie P. Phillips, and the legal guardian of James T. Avery, a minor;

H. R. 3523. An act for the relief of Sam Damico and Clint Hamm, operating as the D and H Grocery;

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 3751. An act for the relief of Mrs. Theodora O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures;

H. R. 4047. An act for the relief of Edward A. Hollis, Sr.;

H. R. 4056. An act for the relief of Mrs. Jud Hendry and her daughter, Gladys Hendry;

H. R. 4074. An act for the relief of Mrs. Jennie Burnison;

H. R. 4297. An act for the relief of Joseph Schell;

H. R. 4300. An act for the relief of the county of Hawaii, Territory of Hawaii;

H. R. 4545. An act for the relief of George Leslie Dobson; and

H. R. 4560. An act for the relief of Nicholas T. Stepp; to the Committee on Claims.

H. R. 2710. An act to provide for the detention, care, and treatment of persons of unsound mind in certain Federal reservations in Virginia and Maryland; to the Committee on the Judiciary.

H. R. 3757. An act to provide for the public registering of patents available for licensing; and

H. R. 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes; to the Committee on Patents.

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis; to the Committee on Immigration.

H. R. 5121. An act authorizing the Secretary of the Navy in his discretion to deliver to the custody of the State of Arkansas the silver service presented to the United States for the battleship *Arkansas*; to the Committee on Naval Affairs.

H. R. 5453. An act to authorize certain expenditures by the Alaska Railroad, and for other purposes; to the Committee on Territories and Insular Affairs.

#### PRINTING OF STUDY OF WARTIME RECORD OF STRIKES AND LOCK-OUTS (S. DOC. NO. 136)

Mr. BALL. Mr. President, a short time ago Miss Rosa Lee Swafford, who is a research assistant in the office of the minority conference of the United States Senate, completed a study of wartime strikes and lock-outs, their number, duration, and the reasons for them. It is a very complete objective study, and inasmuch as the Senate Committee on Education and Labor is now considering a number of labor relations bills, it seems to me that the information warrants presentation and printing as a Senate document. I ask unanimous consent that the study be printed as a Senate document, with illustrations.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. HILL. Reserving the right to object, as I understand, the distinguished Senator from Minnesota consulted with the distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY], about this matter.

Mr. BALL. I did.

Mr. HILL. And the Senator from Kentucky advised that he had no objection, did he not?

Mr. BALL. That is correct.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota?

Mr. AIKEN. Mr. President, may I ask who made the study?

Mr. BALL. Miss Rosa Lee Swafford.

Mr. AIKEN. Who is she?

Mr. BALL. As I understand, she is a graduate student. She is doing graduate work in the university and is a research assistant in the office of the minority conference.

Mr. AIKEN. I do not happen to know the lady. I hope that the study is impartial, if it is to be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

#### ADDITIONAL COPIES OF PART 6 OF HEARINGS BEFORE SENATE COMMITTEE TO INVESTIGATE THE PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL

Mr. O'MAHONEY submitted the following concurrent resolution (S. Con. Res. 55), which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Senate Special Committee to Investigate the Production, Transportation, and Marketing of*

Wool be, and is hereby, authorized and empowered to have printed for its use 4,000 additional copies of part 6 of the hearings held before the said special committee during the first session, Seventy-ninth Congress, relative to the investigation of the production, transportation, and marketing of wool.

#### POLAND'S RIGHT TO INDEPENDENCE— ADDRESS BY SENATOR WALSH

[Mr. WALSH asked and obtained leave to have printed in the Record a radio address entitled "Poland's Right to Independence," recently delivered by him over Station WSPR in Springfield, Mass., which appears in the Appendix.]

#### HOUSING FOR TOMORROW—ARTICLE BY SENATOR MEAD

[Mr. TUNNELL asked and obtained leave to have printed in the Record an article entitled "Housing for Tomorrow," written by Senator Mead and published in the Winter 1946 issue of Housing Progress, which appears in the Appendix.]

#### ADDRESS BY JOHN W. SNYDER BEFORE ECONOMIC CLUB OF DETROIT

[Mr. BARKLEY asked and obtained leave to have printed in the Record an address delivered by Hon. John W. Snyder, Director of War Mobilization and Reconversion, before the Economic Club of Detroit, Mich., on February 18, 1946, which appears in the Appendix.]

#### ST. LAWRENCE WATERWAY—STATEMENT BY SECRETARY WALLACE BEFORE SENATE COMMITTEE ON FOREIGN RE- LATIONS

[Mr. HILL asked and obtained leave to have printed in the Record a statement made by Hon. Henry A. Wallace, Secretary of Commerce, on the subject of the St. Lawrence Waterway, before a subcommittee of the Senate Committee on Foreign Relations, February 21, 1946, which appears in the Appendix.]

#### STATEMENT BY MAURICE R. FRANKS BE- FORE THE SENATE COMMITTEE ON EDUCATION AND LABOR

[Mr. MORSE asked and obtained leave to have printed in the Record a statement on labor relations made by Maurice R. Franks before the Senate Committee on Education and Labor on January 31, 1946, which appears in the Appendix.]

#### ADDRESS BY EUGENE A. ROSE AT TESTI- MONIAL DINNER TO MAYOR O'DWYER

[Mr. MEAD asked and obtained leave to have printed in the Record an address delivered by Eugene A. Rose, at the testimonial dinner to Mayor O'Dwyer, New York City, January 17, 1946, which appears in the Appendix.]

#### EXCESSIVE FREIGHT RATES ON GOVERN- MENT MATERIALS—EDITORIALS FROM THE WASHINGTON DAILY NEWS

[Mr. WHEELER asked and obtained leave to have printed in the Record an editorial entitled "United States Pays the Freight," published in the Washington Daily News of February 15, 1946, and an editorial entitled "Locking the Barn," published in the Washington Daily News of February 16, 1946, which appear in the Appendix.]

#### THE NATIONAL HOUSING PROGRAM— EDITORIAL COMMENT

[Mr. BRIDGES asked and obtained leave to have printed in the Record four editorials dealing with the national housing program, one from the New York Times, one from the Washington Post, one from the Wall Street Journal, and one from the Baltimore Sun, which appear in the Appendix.]

#### PRICE ADMINISTRATOR—NOMINATION OF PAUL A. PORTER

As in executive session,

Mr. BARKLEY. Mr. President, from the Committee on Banking and Currency, I ask unanimous consent to report favorably the nomination of Paul A. Porter to be Administrator of the Office of Price Administration.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. BARKLEY. Mr. President, inasmuch as it is necessary that Mr. Porter assume charge of the OPA because Mr. Bowles, as we all know, is leaving for another position, and inasmuch as the whole question of OPA and its extension is now pending before the House of Representatives, and soon will be before the Senate Committee on Banking and Currency, I ask unanimous consent, as in executive session, that Mr. Porter's nomination may be considered and confirmed.

The PRESIDENT pro tempore. Is there objection?

Mr. WHITE. Mr. President, I understand the nomination is reported with the unanimous approval of the Committee on Banking and Currency.

Mr. BARKLEY. It is. Mr. Porter appeared before the committee this morning, and members of the committee asked him various questions, the answers to which satisfied the committee as to Mr. Porter's qualifications, and the nomination was unanimously ordered reported.

I should not ask for immediate action on the nomination except that the change from the position which Mr. Porter has been holding, as Chairman of the Federal Communications Commission, to the OPA, the position held by Mr. Bowles, makes it essential that as soon as possible Mr. Porter take charge of the administration of the OPA.

Mr. WHITE. Mr. President, I quite agree with the distinguished Senator from Kentucky that it is advisable that there should be a chairman of the OPA qualified in the legal sense. I have no objection.

Mr. WHERRY. Mr. President, I should like to ask the distinguished majority leader a question or two. In the questioning by members of the committee, was any question propounded as to how Mr. Porter felt about the continuance of the cost-absorption plan?

Mr. BARKLEY. No; no question was asked about that, because that matter will come up when the whole OPA situation is before the committee. Mr. Porter was asked by a number of members of the committee what his attitude was toward speeding up decisions in the OPA, so that those involved might know as soon as possible what the decisions would be. I think he satisfied the committee on that score, while he could not commit himself on any particular matter with which he was not familiar.

Mr. WHERRY. In the questioning of Mr. Porter was there any discussion of the maximum average price regulation which is now in effect, and which is causing so much difficulty with the production of clothing?

Mr. BARKLEY. No; no questions were asked about that. Obviously Mr.

Porter could not have given answers in regard to those matters, because he will have to dig into them himself.

Mr. WHERRY. It is my understanding that Mr. Porter has been one of Mr. Bowles' deputies all through these years.

Mr. BARKLEY. No; at the beginning of OPA Mr. Porter was in charge of the Division of Rents of the OPA, but he has not been a deputy of Mr. Bowles, so far as I know. He has been Chairman of the Communications Commission, and that certainly is not connected in any way with Mr. Bowles' office.

Mr. WHERRY. Am I to understand, then, that Mr. Porter has not had any connection at all with the Office of Price Administration?

Mr. BARKLEY. I said he was connected with it in the early days. He was in charge of the Rent Division of the OPA at the beginning, or soon after the beginning, of the OPA.

Mr. WHERRY. Mr. President, I do not intend to object, because I feel that expediting confirmation of the appointee will be in the interest of the public. I wish to say to the distinguished majority leader that I feel that those who administer the OPA and the Price Stabilization Act should be men who are conscious of production rather than prices.

Mr. President, I sincerely trust that Mr. Porter, when his nomination shall have been confirmed, will recognize that we need to obtain production. It has been found from evidence adduced in the Small Business Committee that in order to get production we should rescind MAP, and that if we are to have a flexible pricing system, the cost absorption policy should be terminated. While I shall not object to the confirmation of the nomination, I trust that as the majority leader works with the administration, in the continuance of the OPA or any part of it, he will emphasize the arguments set forth in the report recently filed by five members of the Small Business Committee which stated that the paramount thing in this country today is to get maximum production.

Mr. BARKLEY. Mr. President, I have not had a chance to read that report. Therefore I would not want to comment on it. But I wish to say that Mr. Porter is one of the most broadminded and fair-minded men I have known in connection with the Government of the United States. He did say in the committee that he felt very keenly that under the new wage and price set-up which has been inaugurated the question of production entered into the picture, and that so far as he was concerned he hoped to be able to work it out so as to take care not only of the general situation in regard to cost of production, but in addition to that, hardship cases that would be brought to his attention.

Mr. REED. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REED. I want to join with the Senator from Kentucky in expressing the hope that there will be no objection to the immediate consideration of the nomination of Paul Porter. I think replacing Mr. Bowles as head of the OPA by Mr. Porter will result in great improvement. Knowing Mr. Porter quite



well, and having had considerable experience with him, I look for a definite improvement in the administration of it.

Mr. BARKLEY. Mr. President, I do not wish to draw any comparison between Mr. Bowles and Mr. Porter, but I am emphatic in saying that Mr. Porter's appointment to this position is a good appointment.

Mr. REED. If I may say so, I think that almost any change will be for the better.

Mr. BARKLEY. I hope the Senator will not provoke me by pursuing that line of thought.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Paul A. Porter to be Administrator of the Office of Price Administration?

Without objection, the nomination is confirmed, and without objection, the President will be immediately notified.

#### GOVERNMENT SECRETS AND FOREIGN SPIES

Mr. BRIDGES. Mr. President, recently my attention, and I think the attention of the whole country, has been held by the stories which are coming out of Canada and which are being published in this country generally respecting the stealing or the attempted stealing on the part of Russia of certain secrets from the Canadian Government and the alleged charge of bribing or contacting Canadian Government officials in order to obtain such secret information. It is pointed out that the trail leads to this country, that people here may be involved in dealing with a foreign government. All I desire to say now is that unless something is done immediately by those responsible in this Nation to investigate this alarming and deplorable situation, it will be bordering on the verge of treason. In my judgment if it develops later that persons in this country, in high Government positions, are attempting to cover up anybody or anything that strikes at the heart of America, as this strikes at it, then no punishment is too great for such individuals, particularly if they hold high office.

In my judgment a person who will deal with a foreign power and sell the United States of America out in any way is guilty of treason and should be treated as a traitor. It is up to the appropriate departments of our Government to investigate to determine what the facts are, and to take necessary action. According to reports published certain agents of this country representing the Federal Bureau of Investigation, the Army and Navy Intelligence were presented with the facts involving persons in this country dealing with a foreign power and that the State Department or someone high in the State Department ordered that no action be taken. This report cannot be allowed to pass unnoticed by any American. Let us have the facts. If anyone is covering up persons in this Nation who have been selling the United States out, these persons or officials should be charged with the greatest offense against this Government that can be charged and no punishment

can be too great. We cannot afford to overlook these things.

In this connection I wish to say that I was amazed to read that Mr. Joseph E. Davies, former American Ambassador to Russia, had made the statements which have been accredited to him. I read from a headline of an article published in the Times-Herald of February 19: Russia had right to steal atom—Davies.

I have several other articles, one an editorial from the Washington Daily News of yesterday entitled "Davies on Red Morals."

It would pay anyone to read this editorial. It certainly gives a viewpoint of America on Mr. Davies. I have an article by William Philip Simms entitled "Davies on Thievery."

Mr. President, this is a serious and a vital matter and there is no excuse for Members of the Congress of either political party to sit back and close their eyes or wink their eyes at what is going on, because if any persons are attempting to cut the throat of America or to sell America down the river, whoever they may be, whether or not they are in high Government office in this country, it is time something was done about it, and those who hold high official position in America who fail to take action and whose job it is to protect this country and who do not do so, in my judgment, should be charged with being an accomplice to the crime of treason.

Mr. President, I have not had an opportunity to look into this matter carefully; I do not know what the facts are. I am not in a position to get all the facts but I do know that we are in a very serious situation in the world and in this country today and it is time that those who have responsibility should step into the picture and take action, and take it now. It is time for Americans to stand up and be counted.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks several articles and editorials dealing with this subject.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the New York Daily Mirror of February 16, 1946]

#### CHARGE CANADA SECRETS SOLD TO REDS; AGENT IN CUSTODY "FINGERS" 1,700 MORE SPIES

(By Drew Pearson)

WASHINGTON, February 15.—Prime Minister Mackenzie King's announcement in Ottawa today that highly confidential state secrets have been disclosed to a foreign power touches off the most sensational story of espionage and intrigue since the end of the war.

I am able to reveal its amazing details. The foreign power is Russia.

Involved are both major and minor employees of the Canadian Government—one of the three powers which guard the secrets of the atomic bomb.

High Canadian officials had been trying for weeks to make up their minds whether to hold a public trial of the Canadians charged with conspiring with the Soviet Government.

Sensational evidence regarding these officials came to light when a Russian agent in Canada was about to be transferred back to Moscow.

#### RED SURRENDERS

He gave himself up to Canadian authorities.

One day after he was taken into protective custody by the police, his room was entered, presumably by other Soviet agents, and made a shambles.

Before Prime Minister King made the decision which resulted in today's announcement, he came to Washington and discussed the entire matter with President Truman.

Later, he referred it to Foreign Minister Bevin in London.

He asked Bevin whether prosecution of the Canadians involved would embarrass British relations with Russia.

Bevin replied that the trial was a police matter involving the safety of the realm, and for the Canadian Government to proceed.

The Russian agent taken by the Canadians has given the names and locations of about 1,700 other Soviet agents operating not only in Canada but also in the United States.

He has put the finger on certain officials inside both the American and Canadian Governments as persons cooperating with the Soviets.

He has also named certain American labor leaders, including some in New York City.

Photostats showing payments made to United States and Canadian officials have even come to light.

Serious secret differences inside the United States Government have resulted from these revelations, with the State Department anxious not to disrupt Russian relations, but the Justice Department anxious to arrest and prosecute.

One Russian agent named Shimishenko was negotiating for the purchase of the blueprints of an American jet-propelled plane.

#### STATE DEPARTMENT'S "NO"

The FBI detected him, proposed arresting him. After considerable internal debate, the State Department ruled against the arrest. Shimishenko sailed with wife and child January 6.

He did not get the blueprints.

Another Russian agent was found in Bremerton, Wash. He not only had plans of the atomic bomb, but samples of the metal from which the bomb is made.

United States agents were covering him, all ready to make an arrest, but the State Department ruled otherwise.

The agent sailed for Russia. It's hard to believe, but he took his atomic information with him.

State Department officials make no comment, but apparently they figured that seizing a Russian agent was less important than upsetting the diplomatic apple cart with Russia; also that the Russians probably had the atomic bomb already.

#### SERIOUS FOREIGN CRISIS

This confronts the United States of America with the most serious foreign-relations crisis since Pearl Harbor. One of our major allies has been caught attempting to steal military secrets and undermine American officials.

The British also maintain agents in the United States, but most are registered with the Justice Department and others operate peacefully, though sometimes very effectively.

In other words, British agents operate to win American friendship, not to buy military secrets. They want to put us in their corner for the Empire's eventual show-down of strength with Soviet Russia. . . . They consider that show-down unavoidable. A lot of other people, including this columnist, don't agree.

All of this, however, illustrates the basic difference between the friendship of the British and American people and the unabridged void between American and Russian people. It's our greatest failure of the war—in fact, of the last two decades. We have failed miserably to get acquainted with the Russian

people. Instead, we've left all our cards in the hands of Joe Stalin.

#### RUSSIA IS DIFFERENT

There can't be any serious trouble between the British and American people. We know each other.

The opposite is true in Russia. The Russian people can be led into war, blindly, without knowing what it is about . . . They are not permitted to read American newspapers, hear American radio programs or meet American visitors.

They live in a vacuum as far as American cultural relations are concerned.

The Russian people are fine people. Whenever American troops come into contact with them, both sides like each other. But contacts to get acquainted are studiously avoided by Moscow.

This puts the military-Communist clique which rules Russia in the same dangerous position as Hitler. He could take his country into war almost at will. So can Stalin.

It also emphasizes our greatest wartime error. For, while we gave the Russians tanks, airplanes, and munitions, we did not insist that American good will go with it.

#### "WE YIELD TO REDS"

They insisted that their pilots fly United States lend-lease planes from Alaska over Siberia. We yielded. No American pilot was permitted to fly over Russian territory.

They sent their drivers to pick up American trucks in Iran. No American truck driver could enter Russian territory.

They wanted our goods but not the danger of rubbing shoulders with American democracy.

As far as the Russian people were concerned, both countries fought the war in a vacuum.

Today, this vacuum has become worse, not better. Russians are permitted to enter this country almost at will, but not even an American orchestra can enter the Soviet Union without having every drummer and saxophone player scrutinized for months.

#### TEXT OF KING'S REPORT ON CANADIAN LEAKS

OTTAWA, February 15.—The text of Prime Minister W. L. Mackenzie King's statement revealing leaks of confidential Canadian Government information follows:

"Information of undoubted authenticity has reached the Canadian Government which establishes that there have been disclosures of secret and confidential information to unauthorized persons, including some members of the staff of a foreign mission in Ottawa.

"In order to make possible the full investigation which the seriousness of this information demands, the Government has appointed Justice Tschereau and Justice Kellock of the Supreme Court of Canada to act as royal commissioners to hear evidence and to present a report which will be made public. The commissioners have appointed as their counsel E. K. Williams, K. C., of Winnipeg; Gerald Fauteux, K. C., of Montreal, and D. W. Mundell, of the Department of Justice. The commission has already commenced its investigation, which is proceeding in camera.

"Upon application of counsel, and having regard to the serious nature of the evidence already adduced before the commission, the commissioners recommended to counsel to apply to the Minister of Justice for orders for the interrogation and detention for the purpose of a number of persons involved including some now employed, or who have been employed, in a number of departments and agencies of government.

"It is the intention of the Government that, after the report of the royal commissioners has been received, persecution will be instituted in cases in which the evidence

warrants it. It would not be proper at this stage to make a more complete statement or, in particular, to make public the names of those concerned.

"Some of them appear to have been far more deeply and consciously involved than others. Some will probably be found to be more or less innocent instruments in furthering activities much more serious than they may have imagined.

"Obviously, the whole matter should be treated with caution and reserve, pending the time when it will be possible to issue a fuller statement. Until the investigation by the royal commissioners has been completed, the case remains sub judice."

[From the New York Herald Tribune of February 17, 1946]

**TRUMAN FULLY INFORMED ON SECRET PLOT IN CANADA; SOVIET SPY RING HINTED—KEY CANADIAN EMPLOYEES INVOLVED; FBI AGENTS ARE REPORTED CALLED IN—STATE DEPARTMENT'S STAND IS QUESTION—SENATOR BRIDGES FORESEES "TERRIFIC POTENTIALITIES," HURLEY HAS INFORMATION**

(By Bert Andrews)

WASHINGTON, February 16.—Canada's drive against an espionage ring alleged to have handed certain secrets to Russia was conducted with the advance knowledge of President Truman, the White House revealed today, as all of Washington joined in speculating on what the international repercussions of the affair would be.

These developments took top place in an afternoon and evening during which most officials handled the revelations with doubly padded kid gloves:

1. Senator STYLES BRIDGES, Republican, of New Hampshire, described the situation as one having "terrific potentialities" and said he thought the Senate Foreign Relations Committee ought to investigate to see whether any one in the State Department is preventing the Federal Bureau of Investigation and the Department of Justice from getting a green light for a thorough inquiry.

"NO COMMENT," SAYS McMAHON

2. Senator BRIEN McMAHON, Democrat, of Connecticut, chairman of the Special Committee on Atomic Energy, made some cryptic "no-comment" comments which suggested that Senator BRIDGES' use of the word "terrific" was fully justified.

3. Another member of the atomic committee, who asked that his name be withheld, asserted that a number of scientists have been "straining" to give the atomic secrets to Russia.

4. Patrick J. Hurley, former Ambassador to China, said the Canadian developments tied in with information he offered to give the Foreign Relations Committee last December. He added that he is willing to take the stand again any time to explain what he means.

5. The State, War, and Navy Departments and the FBI joined in a "no comment" chorus which looked strange later in the day when the White House did unbend and talk a little.

#### TRUMAN KNEW ABOUT IT

6. Senator EUGENE D. MILLIKIN, Republican, of Colorado, member of the Atomic Committee, said he knew nothing of the Canadian developments but pointed to an exchange before the committee which took added interest because of the developments.

(An Associated Press dispatch from Ottawa said that several prominent (Canadian) government employees were reported last night to be involved in the disclosure of "secret and confidential information." The dispatch quoted the Canadian press as saying on "unimpeachable authority" that the Russians have been building a large spy service in Canada.)

The White House came into the picture late in the afternoon when Charles G. Ross, press secretary, said that President Truman had advance knowledge of the Canadian drive and added that the State Department had been keeping Mr. Truman informed of developments.

Squelching a report that Prime Minister W. L. Mackenzie King has made a secret visit here to tell the President about it, Ross said the topic was discussed during Mr. King's public visit last November and that Mr. King has not been here since.

Ross would not comment when asked if American intelligence services had been called in on the case. Nevertheless, it was reported that men from the FBI, Navy Intelligence and Army Intelligence have joined the Canadian intelligence service in questioning a foreign agent held in Canada. Ross would not comment on questions whether atomic bomb data was involved in the Canadian leak.

Senator BRIDGES said that on the basis of reports reaching him he thinks the picture is something like this: A subject of Soviet Russia was sent to the United States to do some job and failed in it. He was then ordered back. In Canada, for reasons best known to himself, he went to see the Canadian police and has since undergone questioning. American intelligence people participated in the questioning. One report is that they were told of the construction of 28 landing strips, each 5 miles long, and for heavy duty, in Siberia.

"I think if the situation develops as it apparently is going to develop, the American Government, from the President down, can't afford to wink eyes at it," Senator BRIDGES said. "I understand that the FBI, Justice Department and other agencies are ready to shoot but that to date there has been a reluctance on the part of some in the State Department to give the other agencies a green light. If they don't get a green light, there ought to be a thorough investigation to learn who is stopping it and why. When Senator CONNALLY returns I am certainly going to ask that the committee take up the whole question and study it."

Senator TOM CONNALLY, Democrat, of Texas, is chairman of the Foreign Relations Committee, of which BRIDGES is a member.

#### "A GRAVER RESPONSIBILITY"

Senator McMAHON, reached by telephone, said "No comment" before a full question could be asked. Informed that others had admitted extensive knowledge of the situation and of rumors concerning it, he replied: "Perhaps I feel a graver responsibility."

Asked if the State Department or some other branch of government is trying to impose censorship to prevent any disclosures in the United States, McMAHON said, "This thing may come out in Canada, but not through me."

Another member of the atomic committee said that the committee was informed recently in executive session that "some people are doing their damndest" to get inside information on the atomic secrets in the United States and Canada. He said the committee was not told who made the attempts but the inference was that they represented a foreign power. He said Canada has some secrets which are "extremely important"—repeating "extremely important." For emphasis—in relation to atomic bomb. He said these are chiefly chemical formulas worked out by Canadian scientists.

#### SEES INFORMATION FOR RUSSIA

With regard to reports from Ottawa that Russia was the country mentioned in connection with the Canadian case, this Senator said: "I wouldn't be surprised. A number of scientists have been straining to have the atomic secrets given to Russia. They are so



anxious about it that Russia probably can get all the information she wants."

Senator MILLIKIN, also a member of the atomic committee, referred to an exchange before the committee as being of interest in the light of Canadian developments.

Dr. Louis N. Ridenour, on leave from the physics department of the University of Pennsylvania, now at the radiation laboratory at Massachusetts Institute of Technology, was the witness. At one point in his testimony the following dialog took place between him and Senator THOMAS C. HART, Republican, of Connecticut:

Dr. RIDENOUR. "It is really very surprising how difficult it is to give secret information away. You can go to all sorts of lengths, such as scattering radar sets all over Germany, without doing it." (This was a reference to the fact that radar-equipped planes were shot down in Germany but that the Germans still didn't get the secrets of American equipment.)

Senator HART. "My prediction, Doctor, is that before you are as old as most of us here you will have changed your views in that respect, and you will have many disagreeable surprises as to how easily others do learn our secrets."

#### HURLEY HAS INFORMATION

Mr. Hurley, reached by phone in Santa Fe, N. Mex., was asked whether the Canadian revelations tied in with assertions he made before the Foreign Relations Committee.

"Of course they do," he said. "At the hearing I could not use secret documents because that would have been a violation of the law and so I was blanketed from giving all the facts. But I'm ready to come back before the committee any time they want me to."

The War Department, the Navy Department, and the Federal Bureau of Investigation would not comment on the report that representatives from all three departments had taken part or were about to take part in questioning men held by the Canadian Mounted Police.

The following questions were asked in writing of the State Department:

1. According to a United Press dispatch from Ottawa today, there has been close cooperation between Canada and the United States in all questions concerning defense matters. Have any State Department agents taken part in questioning of suspects reported being rounded up in this connection in Canada, or in tracking the Russian agent who was reported to have returned through the United States to the Soviet Union?

2. If not, does the State Department have any indication from any other Government agency, such as the Navy or Military Intelligence or from the Federal Bureau of Investigation, of the activities now going on in Canada?

3. The United Press indicates that atomic energy was only one of the possible subjects on which secret material was obtained by the agent. It adds that information on radar, as developed for arctic flying, might be another subject involved. Is this true?

4. The State Department has said that it had been notified 48 hours before the matter was released for publication. Was this the first warning the Department had of the matter?

5. An official of the Canadian Government is quoted by the United Press as speaking of a slip-up some months ago in United States-Canadian cooperation which resulted in the escape of a Soviet agent in the United States. Is this true, and if so, what were the circumstances?

A State Department spokesman said that the Department could not say any more than the fact that it had been warned in advance of the Canadian action.

#### KEYMEN REPORTED INVOLVED

OTTAWA, February 16.—Several fairly prominent Government employees were reported tonight by high quarters to be involved in the disclosure of "secret and confidential information" to a foreign mission in Ottawa. Still not named officially, this mission was said authoritatively to be the Soviet Embassy.

The Government sealed tight all normal channels of information as a two-man royal commission pushed its investigation of the first big case of espionage and diplomatic intrigue in the Dominion's history.

The Canadian press quoted an "unimpeachable authority" as saying that evidence gathered by counter-espionage squads had shown that the Russians were building a large spy service in Canada. This story, which could not be confirmed by any official source, said that most of the persons under detention entered the Russian service "quite innocently" at first, disclosing only seemingly unimportant information which was "almost common knowledge."

At the Russian Embassy, in the absence of Ambassador George N. Zaroubin, who is in Moscow, Second Secretary Vitali G. Pavlov said that the Embassy had no comment to make on the case.

A total of 22 persons were reliably reported rounded up by the Royal Canadian Mounted Police and other agencies. Twelve are suspected of serious offenses and 10 are held as material witnesses. All are held incommunicado, most of them reportedly in the capital's justice building, which was closed to all outsiders.

Official information still was confined to Prime Minister W. L. Mackenzie King's announcement of last night, in which he said that there had been "disclosures of secret and confidential information to unauthorized persons, including some members of the staff of a foreign mission in Ottawa."

Among the departments rumored to be involved are external affairs and the national research council, custodian of Canada's knowledge of atomic energy.

Atomic-energy information is understood to be among the secrets disclosed, but other types of information also were reported to have been passed along.

It is assumed here that the Prime Minister has been in full consultation with the British Government on the case and that Washington also has been informed as developments occurred.

[From the Washington Star]

#### THIS CHANGING WORLD

(By Constantine Brown)

The Canadian Government's decision to prosecute those officials who have collaborated with the Russian secret services, regardless of their rank and position, is not expected to be followed by the United States Government.

According to confidential reports from Canada, Ivor Gossenko, attaché of the Soviet Embassy, included the names of a number of American officials as having collaborated in the gigantic spy ring established in the two countries by the Russian military and political intelligence departments.

The Canadian and American security services have worked in the closest cooperation throughout the war and are continuing to do so now.

When the Russian attaché surrendered, the Canadians contacted the American intelligence departments. Especially selected agents of the FBI and the War and Navy Departments' intelligence branches went across the border and returned with complete files on a number of American in official positions who had worked for the Soviet agents.

According to usually reliable sources, the files were presented some time ago to the

State Department, which has the last word when questions concerning the political espionage of foreign powers are involved.

Our foreign policy framers feel that the arrest and prosecution of American officials for their participation in the espionage plot would damage the relations between this country and Russia. Should these officials—under a severe cross-examination—talk about how long they have been assisting the Russian intelligence agents and how some of the more dangerous and obnoxious agents were granted immunity, a scandal unparalleled in the history of this country might come to the surface. This might bring not only local but also international repercussions and, in the opinion of some of our high officials, might "upset the international apple cart."

Those responsible for America's security have been familiar with the Russian espionage system for a long time. It covered not only the atomic formula but many other phases of our military and industrial secrets.

The Russians have operated with impunity in this country. In order to gain a greater security, Premier Stalin insisted at Teheran in 1943 that the American Government grant Russia the right to have a five-band radio transmitting station in Washington.

This was against the laws in America's statute books, which provide that only American citizens are entitled to have radio stations in our Territories.

Because Stalin insisted, an exception was made in the case of Russia and the transmitting station was set up in the Pentagon Building with the key in the Soviet Embassy. It has been exclusively operated since March 1944 by Russian officers who made "Russian land" of a corner of the huge Pentagon Building. No American officer is said to be allowed to approach the area.

The matter was confidentially brought to the attention of the Senate's Interstate Commerce Committee. The committee's chairman, Senator WHEELER, asked for information from the State Department, but the then Assistant Secretary of State Adolf Berle assured the Senator that this was only a rumor without foundation.

In the meantime, a Member of the House, Representative DONDERO, wrote directly to the War Department. The reply from John J. McCloy, who was then Assistant Secretary of War, confirmed the existence of the Russian transmitting station in the Pentagon and explained that this was a war measure to facilitate communications between the many Russian missions in this country and Moscow.

What was actually transmitted nobody knows. But it appears to observers in the War Department that in view of other facilities such as commercial radio and cable services the large number of words sent over the Pentagon station might have contained more than the ordinary diplomatic and commercial matters dealing with lease-lend supplies. It was remarked at the time the Russian station was regarded as a top secret as far as the people of this country were concerned, that similar privileges had not been granted any other allied power, including Great Britain.

All these actions of our policy framers were prompted by their intense desire to be as cooperative as possible with the Russians and to avoid suspicion by the Kremlin that we might be "incorrect allies."

Although it was well known in high quarters here that some officials were the tools of the Russian intelligence and vital information was leaking out to its agents, the State and War Departments preferred to take a chance rather than offend Moscow.

The shooting war is now over. The Canadians, who gave the most serious consideration to the question, decided that it would serve no good purpose to continue to conceal the activities of the Russians. The State

Department is said to have taken an opposite view and intends to keep as a top secret the names and activities of officials who have been connected with the Russian spies.

[From the Washington Times-Herald of February 19, 1946]

#### RUSSIA HAD RIGHT TO STEAL ATOM—DAVIES

HABANA, February 18.—Joseph E. Davies, former United States Ambassador to Russia, said today "Russia in self-defense has every moral right to seek atom-bomb secrets through military espionage if excluded from such information by her former fighting allies."

"Such exclusion is by inference hostile," he added in an interview.

#### POSITIONS COMPARED

"For years all major powers have maintained intelligence services whose function it is to acquire military information available in other nations.

"If Russia had developed the atom bomb and the United States were in her shoes, we certainly would try to obtain such information—especially if we faced a potentially hostile world."

Davies said the United States and Britain were treating the Russians as infants in trying to keep atom secrets from them.

#### SAME OLD GAME

"Highly skilled Russian scientists will acquire means for atom warfare within 2 years in their own laboratories," he asserted.

"We can't have it both ways. Either we obtain full confidence and cooperation among the large nations or we shall find ourselves playing the old game of power politics."

The former diplomat said the Soviets need peace and their philosophy also requires it.

He vigorously opposed formation of a so-called western block of nations, declaring "the Russians will develop strong isolationism if they get the impression the rest of the world is ganging up on them because of political, economic, racial, or religious ideologies.

"They will take necessary measures to defend themselves against the world just as any other nation would do in a similar situation. However, that is not the road to peace; it is sowing seeds of war."

He urged an end to what he called the present chaotic mistrust among the United States, Britain, and Russia, warning the alternative will be "a gigantic race in armament factories and laboratories resulting in totally destructive war."

Davies said a warm-water outlet to the Mediterranean and full access to sufficient oil reserves were justifiable Soviet aspirations.

Davies continued:

"The UN will live only if the basic problems of security have first been solved by direct negotiations among the Big Three. These problems cannot be solved through UN debate alone.

"We should not seek to appease Russia, nor should Russia seek to appease us. It is a matter of tolerance, patience, and wisdom. If we fail this supreme test there will be no heritage of freedom or of anything else to pass on to succeeding generations."

[From the Washington Daily News of February 20, 1946]

#### DAVIES ON THIEVERY

(By William Philip Simms)

Joseph E. Davies' dictum upholding Russia's right "to steal our military secrets," as one Congressman put it, fell on Washington like an unexpected bucket of ice water. Many agreed with Representative GWINN (Republican, New York) that it was a "shocking invitation to espionage" which foreigners generally will not be slow to accept.

The Davies thesis that Russia has "every moral right to seek atom-bomb secrets through military espionage if excluded from such information by her former allies," it is pointed out, has a corollary. That is if Russia possesses any such right, all of our allies have the same right. Furthermore, if they have a right to the atomic bomb they also have a right to the blueprints of any and all of our secret weapons."

Russia, it is remarked in congressional circles, has been, and remains, a closed book to all foreigners. She even refused to permit American or other Allied officers to watch her military operations. American taxpayers spent billions of dollars for tanks, planes, trucks, guns, and other war matériel for Russia, but, when Washington asked authorization for American officers to observe this equipment in action, Russia turned it down.

It would have saved many lives had American experts been permitted to watch newly designed equipment under battle conditions. But Russia refused to trust us. Yet, if Mr. Davies regarded this secrecy as "by inference hostile," he is not on record as having said so.

Our former Ambassador to Moscow, it is recalled, has long held Russia in high esteem for the manner in which she deals with treason and espionage as applied to herself. In November 1941, soon after the Nazis attacked Russia, he says he fell to wondering why Russia had no Quislings. And so, he wrote in the American magazine, he began to dig back through his Moscow diary and his prewar reports to the State Department to find the reason. Then, said he:

"Suddenly I saw the picture as I undoubtedly should have seen it at the time in Russia. Much of the world construed the famous treason trials and purges from 1935 to 1938 to be outrageous examples of barbarism, ingratitude and hysteria. But it now appears that they indicated the amazing farsightedness of Stalin and his close associates."

Thus the scores of old-line Bolsheviks, military leaders, and industrial heads whom Stalin caused to be executed as traitors were guilty, as Prosecutor Vishinsky charged. "In the light of present facts," Mr. Davies concluded, "and after an examination of the record, there can be no doubt that these defendants were, directly or indirectly, in the employ of the German and Japanese high command."

This thesis of Mr. Davies, therefore, would also seem to have a corollary. And it is this: Any nation that wishes to safeguard its national security must have the "amazing farsightedness" of a Stalin to crack down without mercy on any espionage and treason—whoever commits it.

Presumably the Nazis believed Russia's failure to reveal the secret of her most potent weapons—as Mr. Davies seems to think the United States should now do—was "by inference hostile." Therefore, they had "the moral right" to steal the secret for themselves. But Marshal Stalin dissented, and the "farsighted" purges recounted by the "author of Mission to Moscow" were his answer.

[From the Washington Daily News of February 20, 1946]

#### DAVIES ON RED MORALS

We would like to give Mr. Joseph E. Davies the benefit of the doubt and assume that, on reflection the morning after, he regretted his glorification of a Russian spy system here. But he seems to be letting his reported statement stand that: "Russia, in self-defense, has every moral right to seek atomic-bomb secrets through military espionage if excluded from such information by her former fighting Allies. Such exclusion is by inference hostile."

Mr. Davies will not be shot for such a crack, as he would be if he were a Russian inviting

American action against his country. Fortunately, all that will happen is that his fellow Americans in the future will not be apt to trust him where Russia is concerned.

For a man who once dabbled in diplomacy, Mr. Davies is somewhat rusty. If he had been reading the newspapers, he would have known that the Moscow government—which he never challenges—has accepted the United Nations atom-bomb-control plan. Under that plan, the Security Council, of which Russia is a part is to have the bomb information as soon as the United Nations is strong enough to control it, and as soon as the international organization can provide effective inspection of armaments in all countries.

But, even a person as ignorant as Mr. Davies, knows that it is Russia which refuses to permit foreign inspection. Mr. Davies knows that the United States has given Russia scores of military secrets, and received from Russia in kind virtually nothing. Mr. Davies knows that, while Russians roam our country at will, our correspondents, and even our diplomats, in Russia cannot move about freely. And yet, he has the gall to talk to Americans about excluding Russians from information.

But the most shameful part of his statement is that Russia is acting in self-defense against America's allegedly hostile policy. We cannot believe that Mr. Davies, deep as he is in his propaganda wallow, understands the seriousness of that charge. Any inference that Russia must prepare to defend herself against American aggression is a monstrous untruth.

It is poisonously vicious at the very moment Russia is breaking her pledges to the United States, and in eastern Europe, the Near East, and the Far East, sowing the seeds of more war.

Mr. Davies is right in fearing the drift in Russian-American relations. He is wrong in encouraging Russia in her lawlessness. That is the road to destruction. If he is as good a friend of Russia as he professes to be, he will warn her to go slow.

#### CALL OF THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the call of the calendar for consideration of unobjected-to bills, beginning with Calendar No. 899.

Mr. WHITE. Mr. President, may I ask the majority leader what will be before the Senate at the conclusion of the call of the calendar?

Mr. BARKLEY. At the conclusion of the call of the calendar, so far as I now know the only thing that will be before the Senate will be a motion to recess, but that is subject to the possibility that the Senator from Georgia [Mr. RUSSELL] may want to bring up a bill which will not be considered on the call of the calendar.

Mr. REVERCOMB. Mr. President, I was unable to hear the request of the majority leader as to the starting point of the call of the calendar. Will he please repeat it?

Mr. BARKLEY. My request was to begin with Calendar No. 899, following the end of the last call.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.



The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Gurney	Murdock
Austin	Hatch	Myers
Bailey	Hawkes	O'Mahoney
Ball	Hayden	Overton
Bankhead	Hickenlooper	Reed
Barkley	Hill	Revercomb
Bilbo	Hoey	Robertson
Brewster	Huffman	Russell
Bridges	Johnson, Colo.	Saltonstall
Bushfield	Johnston, S. C.	Stanfill
Butler	Knowland	Stewart
Byrd	La Follette	Taft
Capper	Lucas	Thomas, Okla.
Carville	McCarran	Thomas, Utah
Chavez	McClellan	Tunnell
Cordon	McFarland	Tydings
Donnell	McKellar	Vandenberg
Ellender	McMahon	Walsh
Ferguson	Magnuson	Wheeler
George	Mead	Wherry
Gerry	Millikin	White
Gossett	Mitchell	Wiley
Green	Moore	Willis
Guffey	Morse	Wilson

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Texas [Mr. O'DANIEL], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from Missouri [Mr. FRIGGS], the Senator from California [Mr. DOWNEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from West Virginia [Mr. KILGORE], the Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from Montana [Mr. MURRAY] and the Senator from Idaho [Mr. TAYLOR] are absent on official business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States to the General Assembly of the United Nations.

Mr. WHERRY. The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate on official business of the Small Business Committee of which he is a member.

The Senator from Illinois [Mr. BROOKS] is confined in a hospital recovering from a recent operation.

The Senator from North Dakota [Mr. YOUNG] has been excused and is absent on official business.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from Connecticut [Mr. HART] is absent because of a slight illness.

The Senator from Delaware [Mr. BUCK], the Senator from North Dakota [Mr. LANGER], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

The PRESIDENT pro tempore. Seventy-two Senators have answered to their names. A quorum is present.

The clerk will proceed to call the calendar, beginning with order of business No. 899, in accordance with the order just made by the Senate.

#### AMENDMENT OF EMPLOYEES' COMPENSATION ACT—BILL PASSED OVER

The bill (S. 1325) to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, as amended," was announced as first in order.

Mr. WILEY. Mr. President, may we have an explanation of the bill?

Mr. THOMAS of Utah. Mr. President, the bill was referred to the Committee on Education and Labor. It was introduced at the request of the United States Employees Compensation Commission. It also has the approval of the Department of Justice, the Department of State, and the Reconstruction Finance Corporation.

The bill would merely extend the benefits of the compensation laws to all civil officers of the United States, which include foreign service officers of the State Department, United States attorneys, marshals, and their assistants, postmasters of the first, second, and third classes, and other civil officers; dollar-a-year personnel, and other persons rendering personal service to the United States for nominal compensation or without compensation. Included in this class are scientists, technical experts, and consultants whose services have been borrowed from colleges, private industry, and like agencies, and others rendering personal service under statutory authority for the acceptance of such services, such as members of the local selective service boards, and so forth, and officials and employees of the legislative and judicial branches of government.

Mr. CORDON. Mr. President, I note in the bill, on pages 5 and 6, in section 4, a provision for retroactive action, to include claims which may have arisen at any time subsequent to 1916, up to the time of the passage of the bill. Will the Senator explain that provision?

Mr. THOMAS of Utah. That provision is merely to make the act retroactive, so that it will, in justice, cover persons in other branches of the Government.

Mr. CORDON. I believe that the bill should have greater consideration than is possible on a call of the calendar. I ask that the bill go over.

Mr. THOMAS of Utah. Mr. President, a request has been made to have the bill go over; but I believe, in justice to the committee, that I ought to say for the benefit of the Senator from Oregon that the bill, like every other such bill, was considered fully. It was unanimously reported by the committee, and it has been given all the consideration that similar departmental bills receive.

The PRESIDENT pro tempore. The bill will be passed over.

#### CHRISTOPHER DANCE

The Senate proceeded to consider the bill (H. R. 1613) for the relief of Christopher Dance, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the

words "the sum of", to strike out "\$300" and insert "\$50."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CLAIMS OF PATUXENT DEVELOPMENT CO., INC.—BILL PASSED OVER

The bill (S. 884) conferring jurisdiction upon the United States District Court for the Middle District of North Carolina to hear, determine, and render judgment upon certain claims of the Patuxent Development Co. Inc., was announced as next in order.

Mr. CORDON. Mr. President, may we have an explanation of the bill?

Mr. BAILEY. Mr. President, the bill would confer jurisdiction upon the District Court for the Middle District of North Carolina to hear and determine claims against the Government on the part of the owners of a hotel which was occupied for Army purposes during the war. The parties were unable to arrive at a settlement. The Committee on Claims felt that it could not hear the case, and I believe it would be best to refer it to the court.

Mr. CORDON. My inquiry goes particularly to the provision in the bill on page 2 thereof, beginning in line 2, as follows:

In the determination of such claims, the said company shall, notwithstanding any provision of any contract, release, or other agreement, be deemed to be entitled to receive fair and just compensation from the United States for the use and occupancy of such property, including fair and just compensation for expenses incurred by the said company, and for damage done to such property, by reason of its use and occupancy by the United States.

In the report of the committee appears the statement that this language is in the bill solely to permit the company to recover for damages done between the time a release was signed by the company and the date when the United States finally vacated the property, the two dates being August 17 and August 31. I should have no objection to the consideration of the bill if it appeared in the bill that that language applied only to that period of time; but if it stands as general language, which would permit the court to reopen the entire matter and determine what compensation should have been paid at all times, irrespective of the contract, it seems to me to be of doubtful wisdom.

Mr. BAILEY. I am not prepared to give a definite answer to the Senator, but my judgment is that the language in the report would be controlling. However, if the Senator wishes to place in the bill a limitation to that effect, let him offer an amendment.

Mr. CORDON. Then, Mr. President, I offer the following amendment to the bill: On page 2, at the end of line 9, delete the period and insert "all between and including August 17, 1943, and August 31, 1943."

Mr. BAILEY. Will that be in accord with the language of the report?

Mr. CORDON. As I understand, it will.

Mr. BAILEY. Then that is entirely agreeable.

Mr. REVERCOMB. Mr. President, I should like to make an observation relative to the language on page 2, line 2, at which point I shall read a portion of the bill:

In the determination of such claims, the said company shall, notwithstanding any provision of any contract, release, or other agreement, be deemed to be entitled to receive fair and just compensation from the United States—

And so forth. That language is very strong. I do not wish to see the Senate pass a bill providing that, regardless of settlements, regardless of releases, and regardless of contracts, the court can fix upon an amount. I hope that language may be removed from the bill. I have no objection to giving to the court jurisdiction to consider the claim, but I do not wish to see a bill containing that language passed.

Mr. BAILEY. I thought the amendment proposed by the Senator from Oregon would take care of that situation.

Mr. REVERCOMB. As I see it, it does not take care of the situation.

Mr. CORDON. Mr. President, the amendment was offered with the thought that by inserting the limitation the language granting authority to consider all matters would apply only to a period of time within which there was no contract as between the company and the Government—that being the period from the time when a release was executed until the time when the Government evacuated the premises; in other words, from August 17 to August 31.

Mr. REVERCOMB. Mr. President, would not the whole fault be removed if the language beginning in line 2, on page 2, down to and through line 9 were deleted? I think that would take care of the matter.

Mr. BAILEY. I thought the Senator from Oregon had made a suggestion so as to make the bill conform to the language of the report. Is the Senator from West Virginia objecting to the language of the report?

Mr. REVERCOMB. Mr. President, I am going to ask that the bill be passed over at this time until this situation can be worked out.

The PRESIDENT pro tempore. Objection is heard, and the bill will be passed over.

### THREE ADDITIONAL ASSISTANT SECRETARIES OF COMMERCE

The bill (S. 1367) to provide for the appointment of three additional Assistant Secretaries of Commerce, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That there shall be in the Department of Commerce three additional Assistant Secretaries of Commerce, who shall be appointed by the President, by and with the advice and consent of the Sen-

ate, and who shall perform such duties in the Department of Commerce as shall be prescribed by the Secretary, or may be required by law. The Assistant Secretaries of Commerce shall be without numerical distinction of rank and shall have salaries of \$10,000 per annum.

Sec. 2. The Secretary of Commerce is hereby authorized to transfer, in his discretion, such functions, services, and personnel, together with necessary funds appropriated for the fiscal year 1946 from the Bureau of Foreign and Domestic Commerce to the Assistant Secretaries or other officers of the Department as he may determine.

### CONVEYANCE OF CERTAIN LANDS TO THE STATE OF WYOMING

The bill (S. 1162) to convey certain lands to the State of Wyoming was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed, upon the payment by the State of \$12 to convey to the State of Wyoming all right, title, and interest of the United States to a portion of the National Elk Refuge, Wyoming, a parcel of land in the northwest quarter of the southwest quarter of section 27, township 41 north, range 116 west, of the sixth principal meridian, Wyoming, the said parcel being described by metes and bounds as follows: From the southwest corner of the aforesaid section 27 run north no degrees two minutes west one thousand seven hundred and two feet and then north eighty-nine degrees fifty-eight minutes east forty feet to the place of beginning at the southwest corner of the parcel hereby conveyed; thence from said place of beginning north no degrees two minutes west one hundred feet; then north eighty-nine degrees fifty-eight minutes east two hundred and nine feet; thence south no degrees two minutes east one hundred feet; thence south eighty-nine degrees fifty-eight minutes west two hundred and nine feet to the place of beginning, containing forty-eight one hundredths of an acre, more or less.

### ACQUISITION BY EXCHANGE OF PROPERTY WITHIN THE GLACIER NATIONAL PARK

The Senate proceeded to consider the bill (S. 1273) to provide for the acquisition by exchange of non-Federal property within areas administered by the National Park Service, which had been reported from the Committee on Public Lands and Surveys, with amendments, on page 1, in line 3, to strike out "that for the purpose of protecting the natural, scenic, historic, scientific, and other features of areas administered by the National Park Service, and for the purpose of consolidating Federal holdings within such areas," and insert, "That"; on page 2, in line 1, after the words "boundaries of", to strike out "such areas", and insert "the Glacier National Park"; in line 9, after the words "boundaries of", to strike out "areas", and insert "the Glacier National Park, located in the State of Montana and"; in line 11, after the word "Service," to strike out "or otherwise under the jurisdiction and control of the Department of the Interior"; and on page 3, in line 2, after the words "part of the", to strike out "National Park Service area within which such property is located," and insert

"Glacier National Park"; so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized to accept title to any non-Federal lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as now or hereafter established, when the acquisition by exchange of such property would, in his judgment, be in the best interests of the United States. In exchange for the non-Federal property so to be acquired, the Secretary of the Interior is authorized to convey to the grantors of such property, or to their nominees, any federally owned lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, located in the State of Montana and administered by the National Park Service, which are of approximately equal value, as determined by the Secretary, to the property being acquired. In order to facilitate the making of such exchanges, the Secretary of the Interior may enter into agreements for the reservation in conveyances to the United States, or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests as may be consistent, in his judgment, with the accomplishment of the purposes of this act, but all such limitations shall be considered in determining the equality of the interests to be exchanged.

Sec. 2. The title to all lands, interests in lands, buildings, or other property to be acquired pursuant to this act shall be satisfactory to the Secretary of the Interior. Any property acquired pursuant to this act shall, upon acceptance of title thereto, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area. The Secretary of the Interior is authorized to issue such regulations as he deems necessary for carrying out the purposes of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the acquisition by exchange of non-Federal property within the Glacier National Park."

### PROTECTION OF SCENIC VALUES ALONG CATALINA HIGHWAY, CORONADO NATIONAL FOREST, ARIZ.

The Senate proceeded to consider the bill (S. 913) to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz., which had been reported from the Committee on Public Lands and Surveys, with amendments, on page 1, line 6, after the words "and the", to strike out "west" and insert "east"; on page 2, line 6, after the word "prospecting", to strike out "and"; in line 6, after the word "mining", to insert "and beneficiation of ores"; in line 8, after the word "mining", to insert "and ore reducing"; and on page 3, line 4, after the word "removing", to insert "and beneficiation of"; so as to make the bill read:

*Be it enacted, etc.,* That hereafter mining locations made under mining laws of the United States within the following-described lands within the Coronado National Forest, Pima County, Ariz.: sections 25, 26, 35, and 36, and the east half of section 34, township 11 south, range 15 east; sections 30, 31, 32, and 33, and the west half of section 29,



township 11 south, range 16 east; sections 1, 2, and 3, township 12 south, range 15 east; sections 3, 4, 5, 6, 7, 8, 9, 10, 15, and 16, the west half of section 11, the west half of section 14, and the northwest quarter of section 23, township 12, south, range 16 east; Gila and Salt River base and meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupancy; *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

Sec. 2. That hereafter all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

Sec. 3. That valid mining claims within the said lands, existing on the date of the enactment of this act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under this act, or under the laws under which they were initiated, as the claimant may desire.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SALARY OF SOLICITOR OF DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the bill (S. 1460) to fix the salary of the Solicitor of the Department of the Interior.

Mr. McCARRAN. Mr. President, I should like to ask the Senator from New Mexico [Mr. HATCH] how the Solicitor for the Department of the Interior is appointed at present.

Mr. HATCH. I think he is appointed in the regular way, and I think his nomination is confirmed by the Senate. But his salary is fixed under the Classified Salary Act.

Mr. McCARRAN. What is his salary now?

Mr. HATCH. It is \$9,800.

The bill was ordered to be engrossed for a third time, read the third time, and passed, as follows:

*Be it enacted, etc.*, That hereafter the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the Secretary of the Interior and who shall be paid a salary of \$10,000 per annum.

Mr. HATCH subsequently said: Mr. President, a while ago, in response to an inquiry from the Senator from Nevada, when Senate bill 1460 was under discussion, I said that the nomination of the Solicitor of the Department of the Interior was confirmed by the Senate. Since then I have communicated with the Department, and I have been informed that his nomination is not confirmed by the Senate, and I wish to make that correction for the RECORD.

Mr. McCARRAN. Mr. President, in view of the statement of the Senator from New Mexico, I ask unanimous consent that the vote by which Senate bill 1460 was passed be reconsidered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. McCARRAN. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McCARRAN subsequently said: Mr. President, when Calendar No. 908, Senate bill 1460, was reached in its regular order, I interposed an objection because I thought the bill should be amended. I now ask unanimous consent to revert to that bill, and I wish to offer an amendment to it.

The PRESIDENT pro tempore. Is there objection?

Mr. WHITE. Mr. President, was objection made to the bill when it was reached on the calendar?

Mr. McCARRAN. Yes.

Mr. WHITE. By whom was the objection made?

Mr. McCARRAN. I made the objection.

Mr. WHITE. If the Senator from Nevada made the objection and now withdraws his objection, I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of Senate bill 1460?

Mr. CORDON. Mr. President, reserving the right to object, I call attention to the fact that this matter had the consideration of the Committee on Public Lands and Surveys. I should like to know the nature of the proposed amendment.

The PRESIDENT pro tempore. The Senator from Nevada has asked that the bill be considered, and he proposes to offer an amendment to the bill.

Mr. CORDON. I reserve the right to object while I inquire of the Senator from Nevada the nature of the amendment he wishes to present.

Mr. McCARRAN. The amendment I offer is in line 6, after the word "Interior", to insert "with the advice and consent of the Senate."

Mr. CORDON. I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCARRAN. I now offer the amendment in line 6, after the word "Interior", to insert "with the advice and consent of the Senate."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That hereafter the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the Secretary of the Interior, with the advice and consent of the Senate, and who shall be paid a salary of \$10,000 per annum.

#### TRANSFER OF CERTAIN PROPERTY IN WARD COUNTY, N. DAK., TO THE STATE OF NORTH DAKOTA

The Senate proceeded to consider the bill (S. 1336) to transfer certain real and personal property in Ward County, N. Dak., to the State of North Dakota acting by and through the Industrial Commission of North Dakota, which had been reported from the Committee on Public Lands and Surveys with amendments. On page 2, line 11, after the word "trustee", to strike out the semicolon and the words "and shall be subject also to a covenant on the part of the said State of North Dakota, acting by and through the Industrial Commission of North Dakota"; in line 15, after the words "wholly for", to strike out "the benefit and", and insert "rural"; in line 16, after the word "rehabilitation", to strike out "of handicapped veterans of the United States"; in line 19, after the words "rehabilitation and", to insert "particularly"; and in line 20, after the name "United States", to insert "and dependent members of their families"; so as to make the bill read:

*Be it enacted, etc.*, That, upon the written consent of the majority of directors of North Dakota Rural Rehabilitation Corporation, the Secretary of Agriculture is hereby authorized and directed to transfer and to cause to be transferred forthwith to the State of North Dakota, acting by and through the Industrial Commission of North Dakota, all right, title, claim, and estate in and to all real and personal property in Ward County, N. Dak., known as the Burlington farmstead and coal-mine project, and which said properties were transferred by North Dakota Rural Rehabilitation Corporation, in trust to the United States of America acting by and through the Secretary of Agriculture, by transfer agreement dated June 25, 1937, and which said properties have been subject to administration by the Secretary as trustee under such agreement. Such transfer by the Secretary of Agriculture shall be subject to any legal rights existing by virtue of any lease or other agreement by the Secretary, his successors or representatives as such trustee to use such properties or any proceeds received therefrom wholly for rural rehabilitation.

Sec. 2. The transfer of the real and personal property under this act is hereby found to be in the general interest of rural rehabilitation and particularly in the rehabilitation of disabled veterans of the United States, and

dependent members of their families, resident in North Dakota, and shall not be deemed to impose any liability upon the Secretary of Agriculture with respect to his obligations under such agreement of transfer of June 25, 1937.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTERIOR BOUNDARIES OF KAIBAB NATIONAL FOREST, ARIZ.

The bill (S. 1226) to readjust the exterior boundaries of the Kaibab National Forest, the Grand Canyon National Game Preserve, and Arizona Grazing District No. 1, State of Arizona, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the following-described lands in the State of Arizona hereby are added to and hereafter shall be administered as parts of the Kaibab National Forest:

Township 39 north, range 1 east, section 4, northeast quarter, east half southwest quarter section 9, east half northwest quarter, southwest quarter northwest quarter, section 17, east half east half, southwest quarter southeast quarter, section 19, south half southeast quarter, section 20, east half, southeast quarter northwest quarter, east half southwest quarter, southwest quarter southwest quarter, section 30, southwest quarter, section 31, northwest quarter.

Township 39 north, range 1 west, section 25, south half southeast quarter, section 36, northeast quarter, east half northwest quarter.

Township 40 north, range 1 east, section 11, northeast quarter, south half, section 15, northeast quarter, south half, southeast quarter northwest quarter, section 22, northeast quarter, west half, section 27, northwest quarter, section 28, east half southeast quarter, section 33, east half northeast quarter, southeast quarter.

SEC. 2. That the exterior boundaries of the Grand Canyon National Game Preserve authorized by the act of June 29, 1906 (16 U. S. C. 684), hereafter shall be identical to the exterior boundaries of that part of the Kaibab National Forest which is situated north of the boundary of the Grand Canyon National Park and all lands within said boundaries, including those added by section 1 hereof, shall be subject to the law, rules, and regulations applicable to said preserve but shall continue subject to use and administration for national-forest purposes. All other parts of said Grand Canyon National Game Preserve which were reserved by proclamations dated November 28, 1906 (34 Stat. 3263), June 3, 1909 (36 Stat. 2496), and October 6, 1931 (47 Stat. 2483), are hereby excluded from said game preserve and of the area thus excluded that part thereof north of the Colorado River hereby is made a part of Arizona Grazing District Numbered 1, but nothing herein contained shall rescind, modify, or otherwise affect any other reservation or withdrawal of said lands hitherto made for other public purposes under the authority of other Federal laws, nor preclude such reservation or withdrawal as may hereafter be dictated by considerations of public interest.

#### GRANT OF LANDS TO SAFFORD, ARIZ., FOR MUNICIPAL WATER SYSTEM

The bill (H. R. 3444) to grant the title of public lands to the town of Safford, Ariz., for the use of its municipal water system was considered, ordered to a third reading, read the third time, and passed.

#### CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA, NORTH CAROLINA

The bill (H. R. 3028) to amend the act of August 17, 1937, as amended, relating to the establishment of the Cape Hatteras National Seashore Recreational Area in the State of North Carolina was considered, ordered to a third reading, read the third time, and passed.

#### SALVATORE CARBONE

The bill (S. 1638) for the relief of Salvatore Carbone was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Salvatore Carbone, out of any money in the Treasury not otherwise appropriated, a sum equivalent to the market value on the date of the approval of this act of a bond hereinafter described, and such additional sum as would be equivalent to the value of interest coupons 1 to 19, inclusive, as may be due on the date of the approval of this act, in full settlement of all claims against the United States on account of the loss of the 2 percent Treasury bond of 1949-51, dated July 15, 1942, No. 31,199-K, with all coupons attached, which Salvatore Carbone placed in the custody of the Immigration and Naturalization Service of the Department of Justice as security for a delivery bond for the alien Raymond Cyril Cormier and which while in such custody became lost without negligence on the part of Salvatore Carbone, subject to proper assignment by him of his right, title, and interest in and to the above-described bond and coupons to the United States: *Provided*, That no part of the amount appropriated under this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding, and the payment or delivery to or the reception by any agent or attorney of an amount in excess of that herein provided shall be unlawful. Any person violating the provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### HIGHWAY BRIDGE ACROSS MISSOURI RIVER AT FRAZER, MONT.

The bill (S. 1601) to revive and reenact the act entitled "An act granting the consent of Congress to the counties of Valley and McCone, Mont., to construct, maintain, and operate a free highway bridge across the Missouri River at or near Frazer, Mont.," approved August 5, 1939, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the act approved August 5, 1939, granting the consent of Congress to the counties of Valley and McCone, Mont., to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at or near Frazer, Mont., be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 1 year and completed within 3 years after the date of the termination of the unlimited national emergency proclaimed by the President on May 27, 1941.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### CITY OF CLINTON BRIDGE COMMISSION

The bill (S. 1660) to revive and reenact the act entitled "An act creating the City

of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the act approved December 21, 1944, authorizing the City of Clinton Bridge Commission to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at or near the cities of Clinton, Iowa, and Fulton, Ill., be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 2 years and completed within 4 years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### HIGHWAY BRIDGE ACROSS MONONGAHELA RIVER AT STAR CITY, W. VA.

The bill (H. R. 3730) granting the consent of Congress to the State of West Virginia to construct, maintain, and operate a free highway bridge across the Monongahela River at or near Star City, W. Va., was considered, ordered to a third reading, read the third time, and passed.

#### CONSENT FOR RENSSELAER AND SARATOGA COUNTIES, N. Y., TO CONSTRUCT AND OPERATE A HIGHWAY BRIDGE ACROSS THE HUDSON RIVER

The bill (H. R. 3940) to revive and reenact the act entitled "An act granting the consent of Congress to Rensselaer and Saratoga Counties, N. Y., to either of them, or any agency representing said counties, to construct, maintain, and operate a free highway bridge across the Hudson River between the city of Mechanicville and Hemstreet Park in the town of Schaghticoke, N. Y.," approved April 2, 1941, was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 1248) to establish a Bureau of Scientific Research, and for other purposes, was announced as next in order.

Mr. REVERCOMB. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### TRANSFER OF FISH HATCHERY IN COMANCHE COUNTY, OKLA.

The bill (S. 396) providing for the transfer of a certain fish hatchery in Comanche County, Okla., to the city of Lawton, Okla., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized and directed to convey to the city of Lawton, Okla., all of the right, title, and interest of the United States in and to the fish hatchery property which is located south of such city in Comanche County, Okla., and which is now under the control of the Department of the Interior.

#### MANUFACTURE AND SUPPLY OF ELECTRIC CURRENT IN THE COUNTY OF HAWAII

The bill (H. R. 3657) to ratify and confirm Act 32 of the Session Laws of



Hawaii, 1945, was considered, ordered to a third reading, read the third time, and passed.

#### ISSUE OF REVENUE BONDS FOR HAWAII

The bill (H. R. 3614) to ratify and confirm Act 33 of the Session Laws of Hawaii, 1945, extending the time within which revenue bonds may be issued and delivered under chapter 118, Revised Laws of Hawaii, 1945, was considered, ordered to a third reading, read the third time, and passed.

#### REVENUE BONDS FOR PUBLIC-WORKS PURPOSES IN ALASKA

The bill (H. R. 3580) to authorize municipalities and public-utility districts in the Territory of Alaska to issue revenue bonds for public-works purposes was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 2716) to provide for health programs for Government employees was announced as next in order.

Mr. REVERCOMB (and other Senators). Over.

The PRESIDENT pro tempore. Objection is heard, and the bill will be passed over.

Mr. MURDOCK subsequently said: Mr. President, I was called from the Chamber and was not present when House bill 2716 was reached. I thought that I would be back in the Chamber in ample time to ask that the bill be passed over. I have an amendment which I should like to offer to the bill.

The PRESIDENT pro tempore. The bill was passed over on objection by the Senator from West Virginia [Mr. REVERCOMB].

Mr. MURDOCK. Very well.

#### JAMES F. DESMOND

The bill (S. 286) for the relief of James F. Desmond was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Postmaster General and the General Accounting Office are authorized and directed to credit the accounts of James F. Desmond, postmaster at Reading, Mass., in the sum of \$7,141.11, representing the net shortage which resulted from embezzlement of funds by the former assistant postmaster at the Reading, Mass., post office.

#### EASEMENT TO PORTIONS OF NORFOLK NAVY YARD, PORTSMOUTH, VA.

The bill (S. 1710) to authorize the Secretary of the Navy to grant and convey to the Virginia Electric & Power Co. a perpetual easement in two strips of land comprising portions of the Norfolk Navy Yard, Portsmouth, Va., and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to grant and convey by quitclaim deed under such conditions as he may approve, to Virginia Electric & Power Co., a corporation organized and existing under and by virtue of the laws of the Commonwealth of Virginia, without cost to said corporation, a perpetual easement in two strips of land, each 20 feet in width, and 414 feet in length and 663 feet in length, respectively, containing 0.494 of an acre of land, more or less, comprising por-

tions of the salvage yard, and the public works storage lot, Norfolk Navy Yard, Portsmouth, Va., for the construction, maintenance, operation, renewal, replacement, and repair of electric power transmission and distribution lines consisting of poles, wires, cables, and other fixtures and appurtenances incidental thereto, the metes and bounds descriptions of which are on file in the Navy Department.

Sec. 2. The Secretary of the Navy, in consideration of the transfer to the United States by Virginia Electric & Power Co. title to certain equipment consisting of poles, wires, cross arms, insulators, and other incidental materials, is further authorized to transfer, under such conditions as he shall approve, to said Virginia Electric & Power Co., without cost to said corporation, all of the right, title, and interest of the United States of America in two electric cables, each three-conductor, 350,000 circular mils, 11,000-volt, and each 3,910 feet in length, which are installed within two conduits of the United States of America, constructed in and upon a strip of land comprising a part of the Norfolk Navy Yard, Portsmouth, Va.; and the Secretary of the Navy is further authorized to grant and convey, under such conditions as he may approve, to Virginia Electric & Power Co., without cost to said corporation, a perpetual easement to maintain, operate, renew, replace, and repair the aforesaid electric cables within said conduits, the metes and bounds description of the location of which is on file in the Navy Department.

#### CHIEF OF CHAPLAINS, UNITED STATES NAVY

The bill (S. 1738) to establish a Chief of Chaplains in the United States Navy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That there shall be in the Bureau of Naval Personnel a Chief of Chaplains, designated by the Chief of Naval Personnel from among officers of the Chaplains Corps of the Regular Navy not below the rank of commander; and that such officer shall, while so serving, have the rank of rear admiral and shall receive the pay and allowances provided by law for rear admirals of the lower half.

#### REIMBURSEMENT FOR PERSONAL PROPERTY LOST AT FIRES AT NAVY SHORE ACTIVITIES

The bill (S. 1739) to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fires which occurred at various Navy shore activities was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$1,741.95, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged as the result of fires occurring in a drill hall hangar and Quonset hut, naval air station, Pasco, Wash., on February 27, 1945; in Quonset hut, United States Naval Receiving Station, Navy 128, on July 15, 1945; in building 178 at Scout Observation Service Unit 1, Navy 128, on July 27, 1945: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall

be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### AMENDMENT OF FIRST WAR POWERS ACT, 1941

The bill (H. R. 4571) to amend the First War Powers Act, 1941, was announced as next in order.

Mr. BALL. Over.

The PRESIDENT pro tempore. Objection is heard.

Mr. McCARRAN. Mr. President, will the Senator who made the objection withhold it for a moment. I wonder whether an explanation will suffice at this time.

Mr. BALL. I objected only because when I looked over the bill, it seemed to be a rather extensive measure relating to property held by the Alien Property Custodian, and I thought the bill should not be passed during consideration of the Consent Calendar.

Mr. McCARRAN. Let me say that the bill comes here with the recommendation of the Alien Property Custodian and the Department of Justice. It provides that property taken under the First War Powers Act or under the Trading With the Enemy Act from those who were not enemies of this country, but who happened to be in enemy territory at the time, should now be returned to them. The bill further provides that they shall have no claim against the Government for the withholding of the properties up to this time. That, in brief, is what the bill provides.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BALL. I withdraw the objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Naval Affairs, with an amendment, on page 7, in line 11, to strike out the period, and insert a colon and the following proviso: "*Provided,* That except as provided in subsections (b) and (c) hereof, no person to whom a return is made pursuant to this section, nor the successor in interest of such person, shall acquire or have any claim or right of action against the United States or any department, establishment, or agency thereof, or corporation owned thereby, or against any person authorized or licensed by the United States, founded upon the retention, sale, or other disposition, or use, during the period it was vested in the Alien Property Custodian, of the returned property, interest, or proceeds."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CONVEYANCE OF CERTAIN LANDS WITHIN FORT DOUGLAS MILITARY RESERVATION

The Senate proceeded to consider the bill (S. 1535) to authorize the Secretary of War to convey certain lands situated within the Fort Douglas Military Reservation to the Shriners' Hospitals for

Crippled Children, which had been reported from the Committee on Military Affairs with amendments on page 1, line 4, to strike out "convey by quitclaim deed" and insert "convey under such terms and conditions as he may prescribe"; on the same page, line 7, after the word "to", to strike out "the following-described lands" and insert "seven and eight thousand eight hundred and fifty-four ten-thousandths acres of land, more or less"; and on page 2, beginning in line 3, to strike out:

Beginning at Monument Numbered 13 of the Fort Douglas Military Reservation, and running thence along the boundary line of the military reservation north no degrees no minutes forty seconds east five hundred and fifty-three and seventy-five one-hundredths feet; thence south seventy-five degrees nine minutes twelve seconds east seven hundred and eighty-three and eleven one-hundredths feet; thence south no degrees no minutes forty seconds west three hundred and fifty-three and seventy-five one-hundredths feet; thence along the boundary line of the military reservation north eighty-nine degrees fifty-seven minutes one second west seven hundred and fifty-seven feet to the point of beginning; containing seven and eight thousand eight hundred and fifty-four ten-thousandths acres.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed to convey under such terms and conditions as he may prescribe to the Shriners' Hospitals for Crippled Children, a Colorado corporation, all right, title, and interest of the United States in and to seven and eight thousand eight hundred and fifty-four ten-thousandths acres of land, more or less situated within the Fort Douglas Military Reservation, Utah.

Sec. 2. The lands conveyed pursuant to the provisions of the first section of this Act shall be used by the grantee as a location for a hospital for crippled children; and the deed of conveyance of such lands shall contain the express condition that if the grantee shall fail or cease to use such lands for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ADDITIONAL DISTRICT JUDGE, NORTHERN DISTRICT OF CALIFORNIA

The Senate proceeded to consider the bill (S. 1163) to provide for the appointment of 2 additional district judges for the northern district of California which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "Senate" to strike out "two additional district judges" and insert "one additional district judge", so as to make the bill read:

*Be it enacted, etc.,* That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the District Court of the United States for the Northern District of California.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the appointment of

one additional district judge for the northern district of California."

#### RESTORATION OF CERTAIN LANDS TO THE TERRITORY OF HAWAII

The Senate proceeded to consider the bill (S. 1109) to restore to the Territory of Hawaii certain lands designated under section 203, title II, as available within the meaning of the Hawaiian Homes Commission Act of 1920, as amended, which had been reported from the Committee on Territories and Insular Affairs with an amendment to insert at the end of the bill the following new section:

Sec. 2. Notwithstanding the foregoing provisions of this act, if at any time the Department of Commerce discontinues use of the above-described lands, such lands shall thereupon become available lands within the meaning of section 203 of title II of the Hawaiian Homes Commission Act, 1920, as amended.

So as to make the bill read:

*Be it enacted, etc.,* That so much of section 203 of title II of the Hawaiian Homes Commission Act, 1920, as amended, as designates the land hereinafter described as available land within the meaning of that act, is hereby repealed and the land restored to its previous status under the control of the Territory of Hawaii.

Portion of Hawaiian homeland of Keaukaha, trace 2, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, as returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 85 of the Hawaiian Homes Commission, dated July 18, 1944, and more particularly described as follows:

Beginning at a spike at the northwest corner of this tract of land and on the southeast corner of the intersection of Nene and Akepa Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being five thousand two hundred and eight and twenty one-hundredths feet north and twenty-four thousand eight hundred and eighteen and six one-hundredths feet east, and running by azimuths measured clockwise from true south:

1. Two hundred and ninety degrees eleven minutes five hundred and sixty-one and eighty-two one-hundredths feet along the south side of Nene Street;

2. Thence along same on a curve to the left with a radius of one thousand four hundred and sixty-five and four-tenths feet, the chord azimuth and distance being: Two hundred and sixty-eight degrees thirty-seven minutes one thousand and seventy-seven and thirty one-hundredths feet;

3. Two hundred and forty-seven degrees three minutes five hundred and ninety-six and sixty-two one-hundredths feet along same;

4. Three hundred and sixty degrees no minutes one thousand two hundred and thirty-seven and eighty-five one-hundredths feet;

5. Ninety degrees no minutes two thousand one hundred and fifty-three and sixty-nine one-hundredths feet;

6. One hundred and eighty degrees no minutes one thousand one hundred and seventy-three and four one-hundredths feet along the east side of the proposed extension of Akepa Street to the point of beginning, and containing an area of fifty acres, more or less.

Sec. 2. Notwithstanding the foregoing provisions of this act, if at any time the Department of Commerce discontinues use of the above-described lands, such lands shall thereupon become available lands within the meaning of section 203 of title II of the

Hawaiian Homes Commission Act, 1920, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BENEFITS FOR CERTAIN POSTAL EMPLOYEES

The Senate proceeded to consider the bill (H. R. 4652) to provide credit for past service to substitute employees of the postal service when appointed to regular position; to extend annual and sick leave benefits to war service indefinite substitute employees; to fix the rate of compensation for temporary substitute rural carriers serving in the place of regular carriers in the armed forces; and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with an amendment on page 2, line 22, after the word "promotions," to insert the following:

*Provided further,* That upon appointment of a substitute employee to a regular position he shall not be placed in or promoted to a grade higher than the grade to which he would have progressed, including benefits authorized by section 23 of Public Law 134, approved July 6, 1945, had his original appointment been to a regular position of grade 1: *And provided further,* That employees shall not be allowed credit for service performed under temporary or war-service appointments except when such service is continuous to the date of appointment as a classified substitute or regular employee.

Sec. 2. Employees who have been separated or shall hereafter be separated from the field service of the Post Office Department for military duty shall be given credit under the provisions of section 1 of this act for the periods or terms of substitute service immediately preceding their entry into military service and pro rata credit shall be given for the time engaged in military service. Employees who are reinstated to positions in the field service of the Post Office Department may be given credit for the periods or terms of continuous substitute and regular service immediately preceding their separation, but they shall not be placed in a grade higher than the grade to which they would have progressed in continuous service.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, the clerk is authorized to renumber the sections.

#### CUSTER BATTLEFIELD NATIONAL MONUMENT

The bill (S. 1185) to change the designation of Custer Battlefield National Cemetery, in the State of Montana, to "Custer Battlefield National Monument," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted,* That the area now within the Custer Battlefield National Cemetery, in the State of Montana, shall hereafter be known as the "Custer Battlefield National Monument," under which name this national monument shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Custer Battlefield National Cemetery.



# TRANSPORTATION FOR CERTAIN PERSONNEL

The bill (S. 1657) to amend Public Law 779 of the Seventy-seventh Congress, entitled "An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes," approved December 1, 1942, and for other purposes, was announced as next in order.

Mr. REVERCOMB. Mr. President, pursuant to request, I ask for an explanation of the bill.

The PRESIDENT pro tempore. The bill was introduced by the Senator from South Dakota [Mr. GURNEY], and reported by the Senator from Utah [Mr. THOMAS].

Mr. GURNEY. Mr. President, I should be glad to have the chairman of the Committee on Military Affairs explain the bill.

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. THOMAS of Utah. Mr. President, S. 1657 is a bill to transfer the duty of making the determinations required by law, relating to furnishing transportation, to the heads of the departments involved, because of the liquidation of the Office of Defense Transportation.

The Office of Defense Transportation is now engaged in closing out its functions, preparatory to complete liquidation, but there are certain duties imposed upon it which must be terminated by the Congress.

The act of December 1, 1942—Public Law 779 of the Seventy-seventh Congress—granted authority to the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission to provide, under certain conditions, transportation for personnel attached to or employed by their respective departments or agencies. Paragraph 4 of section 1 of the act provides that the authority granted shall be exercised "only after a determination by the Office of Defense Transportation that existing private and other facilities are not and cannot be rendered adequate by other means."

The act of October 25, 1943—Public Law 170 of the Seventy-eighth Congress—granted authority to the Administrator of Veterans' Affairs "to utilize automotive equipment of the Veterans' Administration to transport its employees between field stations and nearest adequate public transportation," after a prior determination has been made by the Office of Defense Transportation.

The termination of this function of the ODT is recommended by the Director of the Office, Mr. J. M. Johnson, and he has furnished the committee copies of letters received by him advising that the War and Navy Departments, the Maritime Commission, the Veterans' Administration, and the Bureau of the Budget have no objection to the bill.

That is all the bill provides, Mr. President.

Mr. REVERCOMB. Mr. President, as I understand, the bill simply does away with the Office of Defense Transportation, and transfers such powers as it has exercised over transportation in the

different departments to the heads of those departments. The bill has no bearing whatsoever upon the express idea of transporting overseas families of men in the armed service who are now overseas. It does not affect that situation at all. Am I correct in that understanding?

Mr. THOMAS of Utah. I believe, Mr. President, that the bill has no bearing upon that situation.

Mr. REVERCOMB. I thank the Senator.

Mr. CORDON. Mr. President, I wish to inquire of the chairman of the committee, the Senator from Utah, as to whether the provision of law which it is proposed to amend and which refers to the authority granted to the Secretary of War, the Secretary of the Navy, and the Maritime Commission, carries an expiration date.

Mr. THOMAS of Utah. I cannot answer the Senator's question, but I am sure that it carries the provision which is common to all our emergency war acts; that is, that the act shall terminate 6 months after the declaration of the end of the war. At any rate, it seems to me that that question has no bearing upon this amendment, because the Office of Defense Transportation has already ordered the closing of its affairs, and its functions are being transferred in conformity with a prior act, to the heads of various departments, in order that no injustice may be done to any person.

Mr. CORDON. The Office of Defense Transportation was empowered to certify that emergency transportation was necessary in the event that ordinary transportation was not available. The fact that the Office of Defense Transportation is being terminated is some indication to me that the emergency for which the law of December 1942 was enacted is now at an end.

Mr. THOMAS of Utah. The purpose of the emergency transportation law was to make possible the proper and legal handling of cases which might arise. The request for the passage of the Senate bill 1567 came from the Office of Defense Transportation itself.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1657) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That (a) section 1, paragraph 4, of the act of December 1, 1942 (56 Stat. 1024; 50 U. S. C., Supp. III, App. 841), entitled "An act to provide for furnishing transportation for certain Government and other personnel necessary to provide for the effective prosecution of the war, and for other purposes," is amended to read as follows:

"4. The authority herein granted the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission shall be exercised in each case only after a determination by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, as the case may be, that existing private and other facilities are not and cannot be rendered adequate by other means, and that its exercise will result in the most efficient method of supplying transportation to the personnel con-

cerned and a proper utilization of transportation facilities."

(b) Section 2 of said act is amended to read as follows:

"Sec. 2. It shall be the duty of the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission, respectively, to file with the Congress, within 60 days after the end of the fiscal year, a summarized report of the exercise of the authority herein granted, which report shall include (1) location, nature, and size of the plant for which transportation facilities were provided; (2) type, amount, and original cost of equipment furnished; (3) outline of lease or charter for rented or reciprocally used equipment with total costs for period of use or operation; and (4) citation of authority of the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, under which exercised."

Sec. 2. The act of October 25, 1943 (57 Stat. 575; U. S. C., Supp. III, title 38, ch. 1, sec. 11a), entitled "An act to provide for furnishing transportation in Government-owned automotive vehicles for employees of the Veterans' Administration at field stations in the absence of adequate public or private transportation" is amended to read as follows:

"That during the present war and not exceeding 6 months after the termination of the war, the Administrator of Veterans' Affairs, whenever he finds such action to be necessary for the efficient conduct of the affairs of his Administration, and under such regulations as he may prescribe, is authorized to utilize automotive equipment of the Veterans' Administration to transport its employees between field stations and nearest adequate public transportation at such reasonable rates of fare for the service furnished as he may establish. All moneys collected as fares from such employees shall be accounted for and shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts. The authority herein granted the Administrator of Veterans' Affairs shall be exercised with respect to any station only after determination by the Administrator that existing private and other facilities are not and cannot be rendered adequate by other means, and that its exercise will result in the most efficient method of supplying transportation to the personnel concerned and a proper utilization of transportation facilities."

## EXCHANGE OF LAND AT BENICIA ARSENAL, CALIF.

The bill (S. 1776) to authorize the exchange of certain land at Benicia Arsenal, Calif., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized under such terms and conditions as he may prescribe, to convey to the Southern Pacific Railroad Co. for right-of-way purposes a perpetual easement over, across, and upon a portion of the Benicia Arsenal, Calif., comprising one and eighty-eight one-hundredths acres of land, more or less, and that in exchange therefor the United States of America accept all right, title, and interest of the Southern Pacific Railroad Co. in 19 acres of land, more or less, situate in the same vicinity.

## CREDIT FOR SERVICE RENDERED BY PERSONS UNDER 18 YEARS OF AGE

The bill (H. R. 2240) to credit certain service performed by members of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service prior to reaching 18 years

of age for the purpose of computing longevity pay, or for other pay purposes, was considered, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF BOULDER CANYON PROJECT ACT

The bill (H. R. 4932) to amend section 9 of the Boulder Canyon Project Act, approved December 21, 1928, was considered, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF HATCH ACT

The bill (S. 1105) to amend the Hatch Act was announced as next in order.

Mr. REVERCOMB. Mr. President, I ask that the bill go over.

Mr. BYRD. Mr. President, I should like to hear an explanation of the bill.

The PRESIDENT pro tempore. Will the Senator from West Virginia withdraw his request that the bill be passed over?

Mr. REVERCOMB. I withdraw the request, reserving the right to object.

Mr. HATCH. Mr. President, this bill, which proposes to amend the so-called Hatch Act, was considered by the Committee on the Judiciary on, I believe, Monday of last week. In view of the request which I shall make, I think it will not be necessary to explain the bill, but I wish to say that I think the proposed amendment of the act is one of an emergency nature. However, there are several members of the committee who desire to be heard on the merits of the bill. They were detained on the day the bill was considered by the committee. They did not have an opportunity to express their opposition or to vote against reporting it. At the request of those members, and after having consulted with the committee chairman, I ask that the measure be recommitted to the Committee on the Judiciary.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and the bill is recommitted to the Committee on the Judiciary.

#### LUCY DELGADO AND IRMA M. DELGADO

The bill (H. R. 4249) for the relief of Lucy Delgado and Irma M. Delgado was considered, ordered to a third reading, read the third time, and passed.

#### FOREST ELDON POWELL

The bill (H. R. 2724) for the relief of the legal guardian of Forest Eldon Powell was considered, ordered to a third reading, read the third time, and passed.

#### ALGA STANIK

The bill (H. R. 3514) for the relief of the legal guardian of Olga Stanik, a minor, was considered, ordered to a third reading, read the third time, and passed.

#### MAX HIRSCH

The bill (H. R. 1848) for the relief of Max Hirsch was considered, ordered to a third reading, read the third time, and passed.

#### B. PENDINO

The bill (H. R. 1315) for the relief of B. Pendino was considered, ordered to a third reading, read the third time, and passed.

#### ALFRED OSTERHOFF, DOING BUSINESS AS ILLINI REEFER TRANSIT

The Senate proceeded to consider the bill (S. 1411) for the relief of Alfred Osterhoff, doing business as Illini Reefer Transit, Champaign, Ill., which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$2,211.76, in full satisfaction of his claim against the United States for compensation for property damages sustained by him, and for loss of earnings, as a result of an accident which occurred when a trailer truck owned by him was struck by a United States Army vehicle on United States Route" and to insert "\$1,150, in full settlement of all claims of the said Alfred Osterhoff against the United States for property damage and for loss of use of his tractor and trailer as the result of an accident involving an Army vehicle which occurred on United States Highway", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Osterhoff, doing business as Illini Reefer Transit, of Champaign, Ill., the sum of \$1,150, in full settlement of all claims of the said Alfred Osterhoff against the United States for property damage and for loss of use of his tractor and trailer as the result of an accident involving an Army vehicle which occurred on United States Highway No. 45, near Chebanse, Ill., on March 28, 1945: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MRS. ALICE CONDON

The Senate proceeded to consider the bill (S. 1319) for the relief of Mrs. Alice Condon, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$2,000" and insert "\$1,000", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Alice Condon, of Atlantic City, N. J., the sum of \$1,000, in full satisfaction of her claim against the United States for compensation for personal injuries sustained by her, and for reimbursement of medical and other expenses incurred by her, as a result of an accident which occurred when she was struck by a United States Army vehicle while crossing Sovereign Avenue, in Atlantic City, N. J., on April 4, 1945: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### A. F. CRAWFORD

The Senate proceeded to consider the bill (S. 983) for the relief of A. F. Crawford, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$1,076.12" and insert "\$926.12", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. F. Crawford, of Omaha, Nebr., the sum of \$926.12, in full satisfaction of his claim against the United States for compensation for personal injuries, expenses, and property damage sustained by him as the result of an accident which occurred on December 23, 1941, when the automobile which he was driving was struck by a United States Army truck near Snoqualmie, Wash.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent hereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ESTATE OF MICHAEL J. McDONOUGH

The Senate proceeded to consider the bill (H. R. 2483) for the relief of the estate of Michael J. McDonough, deceased, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$5,000" and insert "\$2,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### LEONARD HUTCHINGS

The bill (H. R. 1464) for the relief of Leonard Hutchings was considered, ordered to a third reading, read the third time, and passed.

#### ESTATE OF WILLIAM N. THERRIAULT AND MILLICENT THERRIAULT

The Senate proceeded to consider the bill (H. R. 3808) for the relief of the estate of William N. Therriault and Millicent Therriault, which had been reported from the Committee on Claims with an amendment on page 1, line 7, after the words "sum of", to strike out "\$11,425" and insert "\$6,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.



## ISABEL CARLSON

The bill (H. R. 854) for the relief of Isabel Carlson was considered, ordered to a third reading, read the third time, and passed.

## W. D. JONES AND ETHEL S. JONES

The bill (H. R. 2661) for the relief of W. D. Jones and Ethel S. Jones, was considered, ordered to a third reading, read the third time, and passed.

## SOLOMON SCHTIERMAN

The bill (H. R. 2171) for the relief of Solomon Schtierman was considered, ordered to a third reading, read the third time, and passed.

## CHARLES ZUCKER

The bill (H. R. 2168) for the relief of Charles Zucker was considered, ordered to a third reading, read the third time, and passed.

## ARNOLD MECHAM

The bill (H. R. 2289) for the relief of Arnold Mecham was considered, ordered to a third reading, read the third time, and passed.

## THOMAS A. BUTLER

The bill (H. R. 3046) for the relief of Thomas A. Butler was considered, ordered to a third reading, read the third time, and passed.

## SAM KALAK

The bill (H. R. 2452) for the relief of Sam Kalak was considered, ordered to a third reading, read the third time, and passed.

## A. L. CLEM AND IDA M. BRYANT

The Senate proceeded to consider the bill (S. 1184) for the relief of A. L. Clem and Ida M. Bryant, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "Kansas", to strike out "(1) the sum of \$1,500 in full settlement of all claims of the said A. L. Clem and Ida M. Bryant against the United States on account of property damage and personal injuries resulting from the presence of obnoxious odors emanating from the operation of the sewage-disposal plant at the Independence Army air base, and accruing prior to January 1, 1945, (2) a sum equal to \$35 a month from January 1, 1945, to the date of enactment of this act as compensation for continuing property damage during such period due to the above-described condition, and (3) the sum of \$35 a month beginning on the date of enactment of this act for each month during which such condition continues to exist", and insert, "the sum of \$1,440, in full settlement of all claims of the said A. L. Clem and Ida M. Bryant against the United States on account of property damage and personal injuries resulting from the presence of obnoxious odors emanating from the operation of the sewage-disposal plant at the Independence Army air base, and accruing prior to January 1, 1946", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. L. Clem and Ida M. Bryant, of Independence, Kans., the sum of \$1,440, in full

settlement of all claims of the said A. L. Clem and Ida M. Bryant against the United States on account of property damage and personal injuries resulting from the presence of obnoxious odors emanating from the operation of the sewage-disposal plant at the Independence Army air base, and accruing prior to January 1, 1946: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## WILLIAM PHILIPS

The bill (H. R. 2963) for the relief of William Philips, was considered, ordered to a third reading, read the third time, and passed.

## R. H. SINDLE

The bill (H. R. 2728) for the relief of R. H. Sindle, was considered, ordered to a third reading, read the third time, and passed.

## HARRY C. WESTOVER

The bill (H. R. 2270) for the relief of Harry C. Westover, was considered, ordered to a third reading, read the third time, and passed.

## BILL AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 4160) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. CORDON. Let the bill go over.

The PRESIDENT pro tempore. Objection is heard, and the bill will be passed over.

The joint resolution (S. J. Res. 85) proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

## ELSIE PETER

The PRESIDENT pro tempore. The Chair is informed that there are several bills which have been reported by the Committee on Claims but which do not appear on the Calendar, and without objection they will be called at this time.

Mr. WHITE. Mr. President, may I ask what the bills are?

Mr. ELLENDER. They are all claims bills.

Mr. WHITE. Purely private claims bills?

Mr. ELLENDER. Yes.

Mr. WHITE. Involving no public question?

Mr. ELLENDER. No.

The PRESIDENT pro tempore. An objection to any one of the bills will take it over. Is there objection to the calling of the several claims bills?

Mr. WHITE. Mr. President, I have no objection to calling them, with the understanding that they are all only private claims bills, and involve no public question.

The PRESIDENT pro tempore. The clerk will state the first bill by title.

The CHIEF CLERK. A bill (H. R. 2393) for the relief of Elsie Peter.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

## LEGAL GUARDIANS OF JOHN BUCHAN AND LAWRENCE GILLINGHAM, MINORS

The Senate proceeded to consider the bill (H. R. 1615) for the relief of the legal guardians of John Buchan and Lawrence Gillingham, minors, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "\$4,300" and insert "\$5,850.55"; and on line 7, after the words "sum of," to strike out "\$1,034" and insert "\$2,294."

The amendments were agreed to.

The amendments were ordered to be grossed and the bill to be read a third time.

The bill was read the third time and passed.

## SAUNDERS WHOLESALE, INC.

The Senate proceeded to consider the bill (S. 1310) for the relief of Saunders Wholesale, Inc., which was read, as follows:

*Be it enacted, etc.,* That Saunders Wholesale, Inc., of Key West, Fla., is hereby relieved of liability for the payment of manufacturers' excise taxes in the amount of \$7,834.56 on 2,242,000 cigarettes and 42 pounds of manufactured tobacco which were destroyed by fire on February 26, 1945, while stored in a sea-stores warehouse operated by the said Saunders Wholesale, Inc., after having been lawfully withdrawn from the place of manufacture, without payment of tax, for delivery to vessels for use as sea stores.

Mr. CORDON. Mr. President, I ask for an explanation of the bill. I notice in the report that objection is raised to it.

Mr. JOHNSTON of South Carolina. Mr. President, this bill is to relieve Saunders Wholesale, Inc., from the payment of manufacturers' excise taxes in the amount of \$7,834.56. This firm had cigarettes and tobacco ready to send overseas to the boys in the service, with a certificate that if they were sent across the firm would not have to pay the excise taxes provided by law. While the cigarettes and tobacco were in warehouses, they were burned, and the firm is merely asking relief from the payment of the tax. Under the certificate they would not have to pay, and, under the circumstances, it is nothing but right that they should be exempted from the payment of the taxes.

Mr. CORDON. I do not object.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

#### HERBERT C. ROCKWELL

The bill (S. 1637) for the relief of Herbert C. Rockwell, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herbert C. Rockwell, of Washington, Pa., the sum of \$158.05, in full settlement of all claims against the United States for property damage sustained on August 10, 1944, when a vehicle belonging to the Federal Bureau of Investigation rolled away from its parking place on a down-grade street and collided with the automobile of Herbert C. Rockwell which was parked in front of 416½ North Main Street, Washington, Pa.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### GORDON COLE HART

The Senate proceeded to consider the bill (S. 1622) for the relief of Gordon Cole Hart, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the words "by him", to strike out "and for reimbursement of medical and other expenses incurred by him", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gordon Cole Hart, of Medford, Mass., the sum of \$400, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him as a result of an accident which occurred when a United States Army airplane while taking off struck the parked airplane in which he was sitting, at the East Boston Airport, Boston, Mass., on September 15, 1941: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 948) for the relief of certain claimants in levee district No. 10, Yuba County, Calif., was announced as next in order.

Mr. REVERCOMB. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### MRS. FLORENCE MERSMAN

The Senate proceeded to consider the bill (H. R. 3791) for the relief of Mrs.

Florence Mersman, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$2,000" and insert "\$1,330."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### THOMAS SUMNER

The Senate proceeded to consider the bill (H. R. 1854) for the relief of Thomas Sumner, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$750" and insert "\$1,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### C. FRANK JAMES

The bill (H. R. 2769) for the relief of C. Frank James was considered, ordered to a third reading, read the third time, and passed.

#### KATHLEEN LAWTON MCGUIRE

The Senate proceeded to consider the bill (H. R. 2670) for the relief of the legal guardian of Kathleen Lawton McGuire, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$1,657.25" and to insert "\$1,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### HAROLD B. ALDEN AND WALTER E. STROHM

The bill (H. R. 1489) for the relief of Harold B. Alden and Walter E. Strohm, was considered, ordered to a third reading, read the third time, and passed.

#### ESTATE OF BOBBY MESSICK

The bill (H. R. 2974) for the relief of the estate of Bobby Messick was considered, ordered to a third reading, read the third time, and passed.

#### MRS. HENRY H. HAY

The bill (S. 1190) for the relief of Mrs. Henry H. Hay was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Henry H. Hay, of Savannah, Ga., the sum of \$1,082.46, in full satisfaction of her claim against the United States for compensation for accrued annual leave, earned by her husband, the late Henry H. Hay, as a merchant marine inspector in the United States Coast Guard at Savannah, Ga., the said amount representing 88 days and 15 minutes annual leave standing to the credit of the said Henry H. Hay at the time of his death on December 4, 1944: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or

received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### C. E. BRUMFIELD

The bill (H. R. 3784), for the relief of C. H. Brumfield, was considered, ordered to a third reading, read the third time, and passed.

#### SETTLEMENT OF CLAIMS BY THE COAST GUARD

The Senate proceeded to consider the bill (S. 1811) to amend Public Law 277, Seventy-ninth Congress, so as to provide the Coast Guard, at such time as it is transferred back to the Treasury Department, with a system of laws for the settlement of claims, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That Public Law 277, Seventy-ninth Congress, is hereby amended by adding at the end thereof the following new section:

"Sec. 5. The provisions of this act shall apply to the Coast Guard and to the personnel of the Coast Guard, military and civil, when the Coast Guard is not operating as a part of the Navy. In such cases, the Secretary of the Treasury shall have and exercise, as to claims caused by military or civilian employees of the Coast Guard while acting within the scope of their employment or otherwise incident to the activities of the Coast Guard and as to the claims of the personnel of the Coast Guard, the authority conferred by this act upon the Secretary of the Navy, and payment or reimbursement in kind of such claims shall be made from appropriations available to the Treasury Department, which appropriations are hereby authorized. The act of December 28, 1922 (42 Stat. 1066), shall be inapplicable to the Coast Guard 60 days after approval of this act.

"Sec. 6. The provisions of this act shall apply to the personnel of the Coast and Geodetic Survey and the Public Health Service when serving with the Navy."

Mr. REVERCOMB. Mr. President, may we have an explanation of the bill?

Mr. ELLENDER. Mr. President, under the present law the Navy has the right to compromise bills up to \$1,000 during wartime, and during peacetime up to \$500. Of course, during wartime the Coast Guard is under the Navy. In anticipation of the Coast Guard being returned to the jurisdiction of the Treasury Department, it is the desire of the Navy to have the same law applicable to the Coast Guard after it is separated and placed under the Treasury Department. That is the only purpose of the bill.

Mr. REVERCOMB. It merely provides, then, for a transfer of authority?

Mr. ELLENDER. That is all.

Mr. WALSH. What amounts did the Senator state?

Mr. ELLENDER. Up to \$1,000 during wartime, and \$500 during peacetime.

Mr. WALSH. Without coming to Congress for approval, the Navy Department and the Coast Guard, independently of congressional action, can settle claims up to those amounts?

Mr. ELLENDER. That is correct.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.



The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### KICK-BACKS ON CONTRACTS

Mr. HILL. Mr. President, there is on the calendar House bill 2284, Calendar No. 175, the purpose of which is to eliminate the practice of subcontractors paying fees or kick-backs or granting gifts or gratuities in an effort to get contracts from a prime contractor or from a higher tier subcontractor. Under cost-plus contracts the Government has to pay these gratuities or fees. The bill was reported from the Senate Committee on Expenditures in the Executive Departments without any objection on the part of any member of the committee, so far as the purposes of the bill and the attainment of those purposes are concerned.

The distinguished junior Senator from Michigan [Mr. FERGUSON] at the time the bill was reported thought perhaps he might wish to offer some amendments which might make the bill easier of administration. The bill therefore went over where it was reached on the calendar the first time so the Senator from Michigan might, if he saw fit to do so, prepare and present amendments. I have spoken to the Senator from Michigan this morning and he advises me he has no desire to offer any amendments, and he has no objection to the present consideration and passage of the bill.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 2284) to eliminate the practice by subcontractors, under cost-plus-a-fixed-fee or cost reimbursable contracts of the United States, of paying fees or kick-backs, or of granting gifts or gratuities to employees of a cost-plus-a-fixed-fee or cost reimbursable prime contractors or of higher tier subcontractors for the purpose of securing the award of subcontracts or orders.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, in view of the statement made by the Senator from Alabama that the Senator from Michigan [Mr. FERGUSON] is satisfied with the bill in its present form, I have no reason to object.

There being no objection, the bill (H. R. 2284) was considered, ordered to a third reading, read the third time, and passed.

#### BARRING OF CERTAIN CLAIMS BY THE UNITED STATES IN CONNECTION WITH GOVERNMENT CHECKS AND WARRANTS

Mr. HILL. Mr. President, House bill 129, Calendar No. 548, is a bill concerning which the Senator from Nebraska [Mr. WHERRY] has approached me several times. I advised the Senator from Nebraska that I would do all I could to have the bill passed today, if possible. It was unanimously passed by the House of Representatives and unanimously reported by the Senate Committee on Expenditures in the Executive Departments. The bill provides for the barring of certain claims by the United States in connection with Government checks and

warrants. Page 2 of the report contains a summary of the purposes of the bill. I read from the report, as follows:

The Government today is issuing hitherto unheard-of numbers of checks and warrants running into the hundreds of millions each year. No termination of the liability of endorsers, banks, and others now exists with respect to endorsements of such checks and warrants. By virtue of the endorsements on the checks and warrants guaranteeing or warranting the genuineness of prior endorsements, the endorsers, banks, and others are confronted with the possibility of being called upon many years thereafter to refund the amounts of checks and warrants belatedly found to bear forged or unauthorized endorsements. The present legislation, in effect, bars the United States from enforcing any claim arising out of the forged or unauthorized signatures or endorsements upon or alteration of Government checks or warrants against any endorser, transferor, depository, or financial agent unless the United States or an agency thereof has given written notice of such claim to, or has commenced court proceedings against, such endorser, transferor, depository, or financial agent within 6 years from the presentation of the checks or warrants to the Treasurer of the United States or other drawee for payment.

In other words, the bill would establish a statute of limitations after the 6-year period so far as concerns the Government going back and holding liable any bank or any depository or any other concern.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WHITE. Stating it another way, this bill obligates the Government to pursue any remedy it has within 6 years, and thereafter the Government is barred?

Mr. HILL. The committee thought it only fair to the banks and depositories and other concerns handling these Government checks, that there should be some kind of a limitation; that the Treasury of the United States could proceed within a 6-year period of time diligently, but there ought to be some end to matters of this kind.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. REVERCOMB. The explanation made by the Senator has been very clarifying. This measure relates only to claims by the United States, and by no one else?

Mr. HILL. That is correct.

Mr. REVERCOMB. In other words, if a check were issued to an individual and there were no presentation of it for payment, say for 10 years, because of death, or for any other reason, the bill would place no limitation on such a matter.

Mr. HILL. The bill would not affect that kind of a check at all.

Mr. REVERCOMB. It deals only with claims of the United States against banks, depositories, and so forth?

Mr. HILL. Against endorsers, by reason of fraud or something like that, but the Government must at least pursue its claim within the 6-year period. I think it is only fair that there should be a limitation placed on such matters. We have statutes of limitations in all the States, and Federal statutes of limitations as well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 129) to provide for the barring of certain claims by the United States in connection with Government checks and warrants was considered, ordered to a third reading, read the third time, and passed.

#### U. S. S. "WOLVERINE"

Mr. WALSH. Mr. President, I move that the Senate proceed to the consideration of Senate bill 220, Calendar 409.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 220) to vest title to the U. S. S. *Wolverine* (ex-Michigan) in the Foundation for the Original U. S. S. Michigan, Inc.

Mr. WALSH. Mr. President, when this bill was under consideration previously the Senator from Michigan [Mr. FERGUSON] objected because the bill related to a naval vessel originally called the *Michigan*. The Senator has now withdrawn his objection. All the bill does is to transfer the title to this vessel, which is now in the city of Erie, Pa., and is in the custody of the city of Erie for historical purposes, to a foundation of private citizens who will keep it in repair. The Navy was obliged to take it away from the city of Erie because if kept there it would deteriorate, and it was no longer suitable for historical purposes.

Mr. REVERCOMB. Mr. President, may I ask the Senator a question? It is clear, then, that this is not a usable boat; it is a museum piece, so to speak?

Mr. WALSH. It is a very old vessel, and the law giving it to the city of Erie was passed long before the present war. It has had nothing to do with the present war at all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 220) to vest title to the U. S. S. *Wolverine* (ex-Michigan) in the Foundation for the Original U. S. S. Michigan, Inc., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That all of the right, title, and interest of the United States in and to the U. S. S. *Wolverine* (ex-Michigan) is hereby transferred to and vested in the Foundation for the Original U. S. S. Michigan, Inc.

#### INTERIM REPORT ON DISPOSAL OF SURPLUS WAR PLANTS

Mr. O'MAHONEY. Mr. President, from the Committee on Military Affairs, I ask unanimous consent to submit, pursuant to Senate Resolution 129, Seventy-ninth Congress, first session, to investigate the disposal of surplus Government property and related problems, a special interim report on the disposal of surplus war plants owned by the Government, and I submit a report (No. 987) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received and printed.

Mr. O'MAHONEY. I ask unanimous consent that the full text of the report

may be printed in the CONGRESSIONAL RECORD, because I regard it to be of great importance.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Senate Resolution 129, Seventy-ninth Congress, directs your committee, or any duly authorized subcommittee thereof, to make a full and complete study and investigation with regard to the disposal of surplus Government property. In accordance with this mandate, the Surplus Property Subcommittee, through its staff, has studied the progress made with respect to the disposal of Government-owned surplus plants and industrial facilities. The subcommittee feels that it is timely to submit a summary of the preliminary conclusions reached by it as a result of this study.

#### PURPOSE OF REPORT IS ANALYSIS, NOT CRITICISM

From the beginning the subcommittee has given particularly close attention to the progress of plant disposal. The subcommittee is convinced that effective disposal of industrial plants and facilities, including machinery, is the most important aspect of surplus disposal as far as the achievement of the long-range objectives of the Surplus Property Act is concerned "to give maximum aid in the reestablishment of a peacetime economy of free, independent, private enterprise, the development of the maximum of independent operators in trade, industry, and agriculture, and to stimulate full employment; \* \* \* to discourage monopolistic practices and to strengthen and preserve the competitive position of small business concerns in an economy of free enterprise."

It has been generally recognized that the problems connected with the disposal of consumer goods have not as yet been solved in spite of repeated shifts of that function from one disposal agency to another. On the other hand, the continuity with which the Reconstruction Finance Corporation has discharged the function of plant disposal has given rise to the belief both within and outside of the Congress that substantial progress has been achieved in that field of surplus disposal. This general impression to the contrary, it must be confessed that the industrial plants of the Government are not passing into the hands of private industry as rapidly as could be desired.

The purpose of the following appraisal is not to criticize the RFC or any particular officers of that Corporation who have been in charge of plant disposal, for it must be recognized that the task of passing the plants into private hands is one of great difficulty. The purpose is rather to isolate some of the factors which may have slowed down industrial plant disposal and to call them to the attention of the agencies and officials now responsible for the declaration and disposal of Government-owned surpluses.

Mistakes in surplus disposal are to be expected, and an attempt has to be made gradually to improve our disposal machinery just as the procurement machinery had to go through several reorganizations before it functioned reasonably well. No criticism, and particularly no personal criticism, is intended by this report, particularly because one of the major factors contributing to the slow disposal of plants, as well as other surpluses, may have been the separation of policy formulation from administration enacted into law by the Congress in the Surplus Property Act. The separation of the policy-making Surplus Property Administration from the Government agencies designated as disposal agencies followed the pattern set in the Contract Settlement Act and the recommendations made by Messrs. Baruch and Hancock in their Report on War and Postwar Adjustment Policies.

#### SPEEDY DISPOSAL IS VITAL

In his progress report for the fourth quarter of 1945 to the Congress, the then Surplus Property Administrator W. Stuart Symington emphasized the need for speed in the disposal of industrial plants to help stem inflation, to provide jobs for veterans and displaced war workers, and to avoid diversion of scarce building materials from residential to industrial construction. The statistics submitted in the same report and preliminary figures covering the month of January 1946, however, indicate that industrial plant disposal is not proceeding as rapidly as could be desired. As of January 31, only 171 plants, or 11 percent, out of a total of 1,540 industrial plants capable of independent operation, which have already or will eventually become surplus, had been disposed of by sale or lease. Out of the 171 plants, 130 plants representing an investment of \$181,000,000, were sold; and 41 plants, totaling \$213,000,000, were leased. Therefore, about 96 percent of the original investment of \$1,200,000,000 still remains in the hands of the Government.

At the rate of plant disposal achieved during the month of January (57 plants, representing an investment of \$122,000,000) it will take a minimum of 2 years to dispose of the remaining 1,369 plants by sale or lease, even assuming that leases may be considered as final disposal. If cost rather than the number of plants is used as a criterion of disposal achievement, disposal of the remaining investment of \$10,800,000,000 at the January rate will take approximately 7 years.

#### SURPLUS DECLARATIONS ARE SLOW

As of January 31 slightly more than one-third of the total number of plants which will eventually become surplus had been declared surplus by the owning agencies. That is to say only 495 plants out of 1,540, or an investment of \$2,800,000,000 out of a total of \$11,200,000,000, had been surrendered by the owning agencies to be leased or sold by the disposal agencies. About three-fourths of the 495 plants declared surplus were owned by Reconstruction Finance Corporation (Defense Plants Division, formerly Defense Plants Corporation). The Army declared surplus 107 plants, or about one-third of the number of plants owned by it, while the Navy has so far declared surplus only 8 manufacturing plants.

Various reasons are assigned by the owning agencies for slow surplus declarations:

(1) Surplus declaration procedures prescribed by the Surplus Property Administration are still too time consuming. Originally, they required the listing of inventories, stating the original cost of real estate, buildings, and equipment in plants to be declared surplus. Subsequent revisions and simplifications are considered insufficient.

(2) The owning agencies are frequently undecided as to which plants should be retained for national defense purposes.

(3) Rapid demobilization has depleted personnel in the owning agencies competent to perform the necessary paper work.

#### SLOW DECLARATIONS DELAY DISPOSALS

The Reconstruction Finance Corporation contends that failure to declare surplus plants owned by it does not impede disposals. Being the owning as well as the disposal agency, the RFC can authorize plant inspection by interested parties prior to surplus declaration and has on hand necessary data

<sup>1</sup> Throughout this report reference is made with respect to plant disposal to the organization and activities of Reconstruction Finance Corporation. It is too early as yet to appraise any organizational or procedural changes made with respect to plant disposal by War Assets Corporation, a subsidiary of RFC, which was designated as a disposal agency for capital, producers, and consumers goods effective January 15, 1946.

with respect to such plants to allow opening of negotiations. With respect to plants owned by other agencies, however, failure to declare surplus promptly definitely impedes disposal. Frequently inspection is made impossible by the owning agencies and insufficient data are available to RFC to conduct negotiations or even open sales drives with respect to such plants. Irrespective, however, of what agency owns the plants and regardless of RFC's contention, failure to declare plants surplus promptly has the tendency of postponing the assumption of full responsibility for disposal by the disposal agencies. For example, after negotiations for a lease for an aluminum-reduction plant and a rolling mill in Spokane, Wash., had been completed, final closing of the deal had to be postponed pending surplus declaration and public advertising of the plants. Furthermore, the statistics maintained by the RFC and their public statements with respect to disposal transactions are related primarily to plants already declared surplus, thus obscuring the record of accomplishments to date and the size of the job ahead.

#### DISPOSAL ORGANIZATION IS INADEQUATE

Bottlenecks created through indiscriminate centralization in the hands of a few Washington officials of the RFC have been largely responsible for slowing down plant disposal.

While RFC field agencies may conduct negotiations, all transactions, regardless of size, must be submitted for approval to the RFC Board. Disposal recommendations received from the field have to pass through an elaborate chain of Washington officials. This process has been particularly slow because the personnel and floor space assigned by the RFC to these activities has been entirely inadequate. The final slow-down occurs because, with infrequent exceptions, only two officials have been designated, particularly in the field of general purpose plants, to present to the Board proposals which have been processed through the Washington office.

There can be no doubt that the RFC Board of Directors, with its attention concentrated, naturally, upon the numerous other problems coming before it, did not give adequate consideration to the magnitude of the task of plant disposal. Those on the RFC staff to whom the responsibility was given have been diligent and attentive in the performance of their duties, but the organization itself was inadequate. Under all of the circumstances, it is surprising that the few people comprising the organization were able to handle the number of plants disposed of so far.

Since the time of the RFC staff assigned to plant-disposal activities in Washington is taken up almost exclusively with day-to-day disposal negotiations for specific plants, little headway has been made with the development of a strong sales organization and selective sales policies.

#### MEDIUM-SIZED PLANTS MUST BE SOLD MORE QUICKLY

For example, out of 1,540 plants which are capable of independent operations, 1,116 plants each cost less than \$5,000,000, including land, buildings, and equipment. Out of these 1,116 plants, 650 are so equipped as to be capable of making products for which there is a good peacetime demand. An additional 250 to 300 plants, each costing less than \$5,000,000, are adaptable to the production of civilian-type items upon the replacement of special war equipment.

Special attention must be given to the problem of speeding up in every possible way the disposal of these 500 to 950 plants. Disposal at this time of these medium-sized general-purpose plants can contribute greatly to stemming inflation, providing jobs, and saving scarce building materials. The problem is (1) to what extent disposal activities with respect to these medium-sized plants



can be decentralized; (2) whether all commonly used selling methods for industrial real property are being employed; and (3) to what extent an understandable reluctance on the part of RFC to sell these plants on a stripped basis (after removal of all or portions of the plant machinery) is responsible for disposal delays. (Stripping results in inconvenience to Reconstruction Finance Corporation since it involves moving, storing, and disposing in several rather than one transaction of the machinery so removed.)

Government restrictions placed on industrial construction for the purpose of saving scarce building materials and labor for residential building will greatly increase the demand for Government-owned surplus plants and enhance the chance of speedy disposal at least of the medium-sized general-purpose plants.

#### IMPROVED ADMINISTRATIVE PROCEDURES ARE REQUIRED

Increased decentralization of plant disposal activity cannot be achieved without a general strengthening of administrative procedures and practices now in effect. At present any appraisal of plant disposal progress is made difficult because of a lack of coordinated statistical material and statistical analysis. This is due, in large part, to the failure on the part of RFC and Surplus Property Administration to develop standard reporting definitions and to utilize statistics for controlling disposal progress and developing disposal programs.

The statistical data developed by RFC have instead primarily been used to prove that RFC is doing an outstanding job in recouping for the public purse a high percentage of the original investment. Basis for RFC's emphasis on this particular circumstance is the provision contained in section 2 of the Surplus Property Act which declares that it is one of the objectives of the act "to prevent, insofar as possible, unusual and excessive profits being made out of surplus property." Undue emphasis on this particular objective, however, is not conducive to the development of a balanced industrial plant disposal program in line with all the stated objectives of the Surplus Property Act.

#### BETTER USE SHOULD BE MADE OF PLANT EXPORT PERSONNEL

Overemphasis on high returns on individual sales is paralleled by an underutilization of the contents of the plant reports submitted pursuant to section 19 of the Surplus Property Act and the expert personnel which prepared these reports. One of the primary purposes of the plant reports which are required under section 19 is to insure an over-all rather than a piecemeal approach to plant disposal in the most important industries in which expansion at Government expense has taken place. The prompt and effective carrying out of the recommendations contained in the reports, unless disapproved by the Congress, is imperative. If, for example, "use value" is stipulated in one or more reports as basis for plant valuation, RFC appears to run counter to such recommendations in considering "reproduction value" or "modified reproduction value" as an important factor in arriving at a satisfactory sales price.

The reports so submitted and the expert personnel which prepared these reports should constitute one of the foremost assets of any organization responsible for plant disposal. Several of these reports have been acclaimed as excellent industrial analyses by members of the particular industries concerned. The know-how acquired by the personnel, however, has not in many instances been put to the best use by the negotiators who have represented RFC in disposal negotiations. It may be advisable in a reorgan-

ization of the plant-disposal personnel to assure better coordination between those who know the industry and those who know how to deal with potential purchasers. In addition to participating in negotiations, the expert personnel might be used to good advantage in sales drives which should be carried on within each of the industries on which reports have been filed.

#### PUBLICATION OF DISPOSAL AGENCY REGULATIONS

Decentralization of selling activity requires delegation of authority to field offices. This, in turn, entails formulation and publication of selling and negotiating procedures.

Section 9 (d) of the Surplus Property Act requires publication in the Federal Register not only of the regulations of the Surplus Property Administration but of the implementing regulations of the disposal agencies as well. To date RFC has not formulated and publicized such regulations with respect to plant disposal, and considerable confusion exists on the part of potential purchasers as to the procedures which they must follow and can expect to be followed by the RFC with respect to plant disposal. Public advertising for bids, to cite only one example, although required by Surplus Property Regulation No. 10, is an empty gesture or even a perversion of the requirement if postponed until after the completion of negotiations with a given purchaser.

#### CONCLUSIONS

Executive Order 9689 of January 31, 1946, calls for substantial organizational changes which are to be completed by March 25, 1946. These changes should be directed toward the prompt improvement of organization and procedures with respect to plant disposal. The Nation and the Congress must be assured that those responsible for surplus-plant disposal will make an energetic effort to achieve the long-range objectives stated in the Surplus Property Act. As part of this effort, the subcommittee recommends that consideration be given to the adoption of the following program:

1. Plants must be declared surplus promptly by the owning agencies. Paper work must be simplified to speed up surplus declarations. Failure on the part of owning agencies to declare plants surplus must be reported promptly to the Congress in accordance with section 11 (c) of the Surplus Property Act.

2. Selective disposal policies must be developed to assure speedy disposal, particularly of medium-sized general-purpose plants. Decentralization and more aggressive and better-timed sales campaigns are imperative. Decisions to strip plants of special equipment must be reached quickly.

3. Recommendations with respect to plant-disposal policies contained in reports submitted pursuant to section 19 of the Surplus Property Act must be carried out promptly and effectively.

4. Statistical analysis must be strengthened to form the basis for controlling disposal progress and developing disposal programs.

5. Regulations with respect to sales procedures implementing the general plant-disposal regulation prescribed by the Surplus Property Administrator must be formulated and published in the Federal Register as provided in section 9 (d) of the Surplus Property Act.

The program outlined above is not self-executing and is not likely to be effective without continued vigilance on the part of the Congress. Constant surveillance over owning agencies in particular is required so that in the event of failure upon their part speedily to declare property surplus, Congress may have available full information and, if necessary, may act itself. To this end it is suggested, therefore, that the Committee

on Military Affairs consider the desirability of urging the Appropriations Committee and the Committee to Audit and Control the Contingent Expenses to give favorable consideration to making a substantial increase in the meager funds now available to the duly appointed Surplus Property Subcommittee for the purpose of exercising surveillance over all owning and disposal agencies. The legislative committee having legislative jurisdiction should be properly staffed and equipped to do its work.

Mr. O'MAHONEY. Mr. President, it will be remembered that when the surplus-property law was passed among the primary purposes that were outlined by Congress as a guide in the disposition of surplus property was the encouragement of the establishment in the United States of free competitive industry. The Congress was well aware of the fact that in order to win the war the people of the United States, through funds raised by taxes and by the sale of bonds, had built an extraordinary number of industrial plants. I believe that few persons in the United States realize that the Government of the United States actually owns more than 50 percent of all the industrial plant facilities in the United States. Obviously, it would be a very easy thing, with the Government owning such a tremendous amount of industrial facilities, for the Government to retain the ownership and engage in the operation of plants, but the Congress of the United States and the people of the United States have, apparently without material exception, been of the opinion that these plants should be used by free private competitive industry.

The burden of the report which I am filing shows that to date progress in the disposal of these plants has been very slow. Probably less than 12 percent of all the plants owned by the Government have been sold or leased to date. This report contains certain recommendations with respect to the policy which should be followed. It also points out, in effect, that the Congress of the United States has the power to declare plants surplus. If the owning agencies do not act speedily enough to declare these plants surplus, and thus make them susceptible of sale or lease, then the Congress of the United States may step in and do so by legislative enactment.

The committee has recommended consideration by the Appropriations Committee and by the Committee to Audit and Control the Contingent Expenses of the Senate of the desirability of equipping the Military Affairs Committee, which has legislative jurisdiction of this problem, with a sufficient staff to make it possible for that committee constantly to maintain close surveillance of the handling of these plants by the owning agencies.

I recommend to Senators an examination of the statistics given in the report. In an appendix to the report will be found a list of all the plants which have been disposed of by sale or lease prior to January 31. I am happy to say that the knowledge that this report was about to be filed has apparently had the effect of stimulating some of the owning agencies to act in declaring plants surplus.

I am happy to say also that substantial progress has been made in handling the great and difficult problem of aluminum. Before the war aluminum production and fabrication were practically in the hands of one great company. Congress thought it was desirable, in order to prevent the drift toward totalitarianism, to encourage competition in that field. Plants in Arkansas have been disposed of to the Reynolds Co., as the Senate already knows; and I am happy to say that the Aluminum Co. of America contributed very materially to the successful solution of that problem. It cooperated with the Surplus Property Administration in making possible the sale of the Arkansas plants.

A few moments ago I was advised by Colonel O'Brien, of the War Assets Corporation, that another substantial step toward the establishment of competition in the aluminum field has been taken. The War Assets Corporation is announcing this afternoon that the Government plants at Spokane—one an aluminum-reduction plant and the other a sheet-rolling mill—have been leased for 5 years to the Kaiser-Frazier and the Kaiser Cargo interests. It seems to me that this announcement is of particular significance, because it means that the door is opening to the stimulation of production in a private competitive economy, without monopoly, which will be the salvation of the capitalistic system, and I firmly believe of the system of democratic government, that is to say, by, for, and of the people.

I am very happy indeed to have the opportunity this afternoon to announce the disposal of those plants, because now we have three large and efficient producers in the aluminum industry, a condition which has not heretofore existed. It demonstrates that the disposal of the tremendous plants owned by the Government and built by the people of the United States can be carried on in such a way as to stimulate a free economy.

#### LEGISLATIVE PROGRAM

Mr. HILL. Mr. President, on behalf of the distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY] I wish to state that it is the purpose not to consider legislation tomorrow, but the Senate will meet tomorrow, when the distinguished junior Senator from New Mexico [Mr. CHAVEZ] will read the Farewell Address of George Washington.

#### EXECUTIVE MESSAGES REFERRED

As in executive session,  
The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORT OF A COMMITTEE

As in executive session,  
The following favorable report of a nomination was submitted:

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Vivian B. Collins for appointment as State director of selective service for Florida under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

#### RECESS

Mr. HILL. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 33 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 22, 1946, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate February 21 (legislative day of January 18), 1946:

##### DIPLOMATIC AND FOREIGN SERVICE

The following-named persons to be foreign-service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Robert W. Adams, of Texas.  
Edward W. Clark, of New Jersey.  
Richard M. Herndon, of Pennsylvania.  
William K. Leonhart, of West Virginia.  
James V. Martin, Jr., of Massachusetts.  
Lee E. Metcalf, of Texas.  
Joseph J. Montlor, of New York.  
Edwin C. Rendall, of Illinois.  
Malcolm Toon, of Massachusetts.  
Kinsley Twining, of New York.  
Alfred W. Wells, of New York.  
Gordon J. Wright, of Oregon.

##### TREASURY DEPARTMENT

O. Max Gardner, of North Carolina, to be Under Secretary of the Treasury.

##### SELECTIVE SERVICE SYSTEM

Raymond V. Bowers for appointment as Assistant Chief, Research and Statistics Division, national headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of Assistant Chief, Research and Statistics Division, national headquarters, Selective Service System, will be at the rate of \$6,230 per annum.  
Philip H. Bartholomew for appointment as State medical advisor for Nebraska, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of State medical advisor for Nebraska, will be at the rate of \$5,180 per annum.

##### IN THE MARINE CORPS

Maj. Gen. Harry Schmidt to be a lieutenant general in the Marine Corps, for temporary service, from the 1st day of March 1946.

##### IN THE COAST GUARD

Admiral Russell R. Waesche, United States Coast Guard, to be placed on the retired list of the Coast Guard with the rank of admiral, effective the 1st day of January 1946, pursuant to section 4 of the act approved the 21st day of March, 1945 (Public Law 20, 79th Cong.).

##### POSTMASTERS

The following-named persons to be postmasters:

##### GEORGIA

Ovendar L. Webb, Lenox, Ga., in place of R. B. Allen, transferred.

##### KANSAS

Kenneth L. Kincheloe, Centerville, Kans. Office became Presidential July 1, 1943.

##### MARYLAND

Margaret S. Cross, Queenstown, Md., in place of M. C. Bishop, resigned.

##### NEW YORK

Elsie B. Henderson, Circleville, N. Y. Office became Presidential July 1, 1945.  
Fannie S. Raymond, Yaphank, N. Y., in place of M. A. Scesny, resigned.

##### OHIO

Lucy M. Dye, East Springfield, Ohio. Office became Presidential July 1, 1945.  
Robert G. Clark, South Vienna, Ohio., in place of W. C. Ray, retired.

##### PENNSYLVANIA

Joseph F. Moran, Chinchilla, Pa., in place of A. S. Maynard, retired.  
Andrew T. Ofsonka, East Vandergrift, Pa., in place of Stella Yakowonis, resigned.  
Hugh W. Billingsley, Flourtown, Pa., in place of C. V. Finley, resigned.  
Leon R. Leddy, Port Clinton, Pa. Office became Presidential July 1, 1945.  
Almeda K. Francisco, St. Petersburg, Pa., in place of M. F. Ritts, retired.

##### VIRGINIA

B. Frank May, Falls Church, Va., in place of C. M. Sale, transferred.  
Charles B. Lovelace, South Boston, Va., in place of E. S. Slate, deceased.

#### CONFIRMATION

Executive nomination confirmed by the Senate February 21 (legislative day of January 18), 1946:

##### OFFICE OF PRICE ADMINISTRATION

Paul A. Porter to be Administrator, Office of Price Administration.

## HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 21, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Saviour of the world, the hope of every nation, grant that we may live generously each day for the good of others. Only when we breathe the spirit of the Golden Rule will the world become new. In the sacred name of liberty, in the cause of human brotherhood, deliver us from looking through the distorted glass of self-love and self-interest. O crown our souls with the loyal and helpful things which make life sweet and fair, blest with the sustaining power of religious faith, whose need we shall never outgrow until we outgrow temptation and sorrow. Thou who didst touch this earth with Thy holy feet and made a sacrament of labor, O help us to look up and heed the old injunction that man shall not live by bread alone. Allow no condition or circumstance to embitter or rend our hearts; by sympathy we shall win, and by forgiveness we shall conquer. In the name of Him who loved even His enemies, Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. The Chair prefers not to recognize Members for 1-minute speeches today.

#### EXTENSION OF REMARKS

Mr. OUTLAND asked and was given permission to extend his remarks in the



RECORD and include an address by Under Secretary of State Dean Acheson.

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD and include an editorial from the Milwaukee Journal.

Mr. CHURCH asked and was given permission to extend his remarks in the Appendix and include two editorials, one from the Chicago Daily News of February 19, 1946, entitled "Brotherhood" and the other one entitled "We Need Bomb Control."

#### PARLIAMENTARY INQUIRY

Mr. STEFAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEFAN. Did I understand the distinguished Speaker to say there would be no 1-minute speeches today?

The SPEAKER. The Chair stated that he preferred not to recognize Members for that purpose today.

#### EXTENSION OF REMARKS

Mr. STEFAN asked and was given permission to extend his remarks in the RECORD on the subject of the British loan.

Mr. GRAHAM asked and was given permission to extend his remarks in the RECORD and include a resolution passed by the Wilmington Grange.

Mr. JENKINS asked and was given permission to extend his remarks in the RECORD and include some newspaper clippings.

Mr. RANKIN asked and was given permission to extend his remarks and include an address delivered by Hon. Lothrop Stoddard over the radio on February 17, 1946.

Mr. HOFFMAN asked and was given permission to extend his remarks in the RECORD and include a statement and a newspaper article.

Mr. JACKSON asked and was given permission to extend his remarks in the Appendix of the RECORD and include a newspaper editorial.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include a brief statement regarding defense housing and the disposal of surplus property to veterans.

#### AMENDMENT TO NATIONAL HOUSING ACT

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 530, Rept. No. 1593), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4761) to amend the National Housing Act by adding thereto a new title relating to the speculation and excessive profits in the sale of housing, and to insure the availability of real estate for housing purposes at fair and reasonable prices, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not

to exceed one day, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### MAINTENANCE, OPERATION, AND EXPANSION OF SCHOOL-LUNCH PROGRAMS

Mr. FLANNAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

#### CALL OF THE HOUSE

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. FLANNAGAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 27]

Adams	Douglas, Ill.	Patterson
Angell	Eberharter	Peterson, Fla.
Baldwin, Md.	Ervin	Peterson, Ga.
Baldwin, N. Y.	Fisher	Pfelfer
Barry	Flood	Randolph
Beall	Gathings	Reed, N. Y.
Bolton	Harness, Ind.	Rich
Brooks	Hart	Robertson, Va.
Buckley	Hartley	Robinson, Utah
Canfield	Hays	Roe, N. Y.
Case, N. J.	Hendricks	Schwabe, Okla.
Chapman	Heslton	Short
Chenoweth	Hollifield	Simpson, Pa.
Chipfield	Hook	Starkey
Clason	Jennings	Sumner, Ill.
Cole, Kans.	Kelly, Ill.	Taylor
Cole, N. Y.	Kerr	Thom
Colmer	Landis	Thomas, N. J.
Courtney	Lane	Vursell
Crosser	Luce	West
Curley	Lynch	Winter
Daughton, Va.	McGregor	Zimmerman
Dawson	Morrow	
De Lacy	Norton	

The SPEAKER. Three hundred and sixty Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### MAINTENANCE, OPERATION, AND EXPANSION OF SCHOOL-LUNCH PROGRAMS

The SPEAKER. The question is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the State of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 3370) providing for a permanent school-lunch program participated in by the Federal

Government, with Mr. JACKSON in the chair.

The Clerk read the title of the bill.

Mr. FLANNAGAN. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] to strike out title II be concluded in 30 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Virginia [Mr. FLANNAGAN].

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, I would like to have the attention of the gentleman from Virginia [Mr. FLANNAGAN], chairman of the Committee on Agriculture, who yesterday made the statement that the American Medical Association has endorsed this school-lunch program. I do not know what the gentleman was reading from when he made that statement, but I took the trouble to investigate this matter and I learn that the American Medical Association has not at any time taken any official action on any of the school-lunch bills.

The authority for my statement is Dr. Joseph F. Lawrence, director, Washington office, American Medical Association, who, at my request to obtain the facts, telephoned to the American Medical Association headquarters in Chicago yesterday afternoon and this is what he reported to me.

Mr. FLANNAGAN. All I know is that the Parent-Teachers Association furnished me with that endorsement.

Mr. SMITH of Ohio. That is not the endorsement of the American Medical Association.

Mr. FLANNAGAN. It was the endorsement of the American Medical Association.

Mr. SMITH of Ohio. Did that organization state that the American Medical Association endorsed this program?

Mr. FLANNAGAN. It did.

Mr. SMITH of Ohio. It actually did. Then the gentleman will grant that it was wrong in that statement?

Mr. FLANNAGAN. I will grant anything but that. I believe that they did.

Mr. SMITH of Ohio. The gentleman believes they did, but he has no official record of it.

Mr. FLANNAGAN. Well, I think I can get the record.

Mr. SMITH of Ohio. The gentleman thinks he can get the record that the American Medical Association endorsed this program?

Mr. FLANNAGAN. I do not think there is any question about it.

Mr. SMITH of Ohio. Notwithstanding the fact as I have presented it, the gentleman from Virginia insists that the American Medical Association endorsed the Federal school-lunch program. This, it seems to me, is most remarkable.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, title I of this bill, as has been pointed out several

times, makes permanent the school-lunch program with which we have had 10 years of experience, and we know what we are doing.

Title II sets up a new program different from anything we have ever had before, and the committee report on page 2, at the end of the first paragraph, says so frankly. It says:

The background and experience of the United States Office of Education are thus also directed toward the support of the program for the first time.

Careful reading of the bill reveals that this "support" can become, in essence, direction of the program.

The most dangerous part of title II is section 204. Let me read the essential part of it:

Whenever the Commissioner—

That is the Commissioner of Education—

after reasonable notice and opportunity for hearing to the State educational agency, finds that with respect to money paid to the State under this title there is a failure to comply substantially with any provision required by section 203 (a) to be included in the plan, the Commissioner shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to comply.

Thus a State cannot get its money unless it first of all satisfies the Commissioner here in Washington.

Again, in title I there is a specific prohibition in section 107 that the Secretary of Agriculture shall not "impose any requirement with respect to administration, teaching personnel, curriculum, instruction, methods of instruction, or materials of instruction of any school," but that prohibition is omitted from title II dealing with the new functions to be given to the Office of Education.

I am perfectly willing to give the \$15,000,000 directly to the State educational agencies for them to use in promoting, stimulating, developing, supervising, and directing this program as they see fit and in improving education with respect to nutrition, dietetics, and so forth; but I am not willing to give 50 cents to the United States Office of Education for it to use in carrying out such programs.

For years such attempts to get the United States Office of Education into the public school system have been continuously opposed by the Committee on Education. This is an attempt to get it in via the Committee on Agriculture. I am opposed to giving any Federal agency power or supervision over our school system for any purpose or in any form, including hot school lunches.

The surest safeguard against ever losing our essential liberties is to keep the Federal Government from ever getting the slightest control over our churches and our schools—that is, over the hearts and minds of our children.

Deplorable and dangerous as are inadequate food and inadequate education, far more dangerous is controlled education. Title II could make possible a step in that direction. I want to vote to con-

tinue the school-lunch program but I can do so only if title II is stricken out.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. ROBERTSON].

Mr. ROBERTSON of North Dakota. Mr. Chairman, I am heartily in support of this amendment offered by the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN]. If title II is stricken from the bill, with good conscience, I could vote for the remainder of the bill. I hope this Congress will strike title II from the bill.

I favor the school-lunch program, but it must forever remain free from Federal direction.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, title II is not essential to the school-lunch program as it has been carried on heretofore. There are, in my judgment, many grounds of valid objection to the provisions of title II. I feel that the chances of the enactment of the legislation would be materially improved if title II should be stricken from the bill, and I hope that the amendment offered by the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] will be adopted. I believe that the majority of the membership of this House would like to see this program continued substantially in the same way that it has been carried on for 10 years, and I think the effect of striking out title II would tend to bring about that result, so I hope the amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, in view of what transpired yesterday and in view of the statement of the gentleman who preceded me, I think it will be for the best interests of all concerned that we adopt the amendment offered by the gentleman from Minnesota to strike out title II. In that way we can eliminate some of the opposition that comes from those who are insisting upon States' rights.

Opposition based on some idea that this bill infringes on States' rights does not exactly ring true. We have appropriated billions of dollars for agricultural assistance to the States, and we heard nothing then about threats to States' rights. We have made appropriations for farm highways, secondary roads, community canning plants, to improve creeks, for flood control, to prevent soil erosion, to bring electricity to the farms, to feed hay to elk and deer and corn to migratory birds, for irrigation and reclamation projects and for dams, for fertilizer, and even for aiding in the cost of labor. Most of these appropriations have been on the same kind of cost-sharing basis that is provided in this bill to feed little children. Some have been outright grants or clear nonparticipating appropriations. We have authorized low-interest loans for farm land banks and mortgage banks, for factories and businesses, for home builders and home buyers, we have provided for river and

harbor improvements, military posts, and what have you.

Now, Mr. Chairman, there are many large cities represented here which have never received any direct benefit from these millions upon millions of dollars appropriated for aid to all the States. Yet we have never raised the issue of States' rights against these many benefits. We have believed, in fact, that these appropriations, made directly to aid agriculture or the national rural community, have been of benefit to the whole Nation.

It seems to me, sometimes, that the gentlemen who have such reverence for States' rights only remember that reverence when human rights are in question. When we are considering legislation or appropriations to benefit property rights, they do not seem to think of States' rights; but when we are talking about a bill to make it possible to make better citizens by feeding them while they are children, and by teaching them about food values and food preparation, this States'-rights issue suddenly becomes very important. It seems to me that the people of our Nation are our greatest resource and we should do everything we can to make stronger and healthier people.

We have aided the corn growers, the tobacco growers, the cotton growers, the peanut growers, the cattle growers, and even the cattle feeders.

But when it comes to feeding hungry children on the city streets, or in village lanes, and providing aid in procurement of nourishing food for them, then this argument of States' rights is dragged out, dusted off, and brought on the floor.

I remember when, under a Republican administration, the great Republican depression was just beginning to show signs of being on its way, and we appropriated approximately \$50,000,000 to help feed cattle and hogs and sheep in drought-stricken sections of the country. Crop conditions improved and it was not necessary to expend the money for its original purpose. Then those deplorable conditions came upon us; people were hungry, for they were out of a job and had no money. Some of us made an effort to use that great fund, intended to be used for cattle and swine, for the benefit of the people. We were turned down. Then and now, there are some who are more interested in livestock than in people.

For the sake of the argument I will concede that the children of large cities are in the greatest need of this aid and to that extent will be the most benefited; and perhaps there are more of them. But is it not true that only five States—New York, Illinois, Pennsylvania, Ohio, and Michigan—pay into the Federal Treasury more than half of all Federal tax collections? Yes, Mr. Chairman; it is true, as shown by the report of 1943 tax collections in table 282 of the Statistical Abstract of the United States; and so I insert at this point, as part of my remarks, a portion of that table showing Federal income tax collections in 1943, the latest year available, by States.



[From Statistical Abstract of the United States, 1944-45, H. Doc. No. 38]

No. 282.—Internal revenue receipts, by States and Territories

[All figures in thousands]

Division, State, or Territory	Fiscal year 1943	
	Total, 1943 <sup>1</sup>	Income taxes, 1943
Total.....	22,371,386	10,464,769
New England.....	1,648,954	793,951
Maine.....	71,115	39,079
New Hampshire.....	42,083	23,139
Vermont.....	32,143	13,577
Massachusetts.....	806,562	423,455
Rhode Island.....	156,000	66,468
Connecticut.....	546,451	228,233
Middle Atlantic.....	7,157,329	2,293,251
New York.....	4,348,369	2,025,623
New Jersey.....	801,091	370,060
Pennsylvania.....	2,007,869	897,568
East North Central.....	5,652,894	2,744,908
Ohio.....	1,625,956	881,316
Indiana.....	497,623	205,186
Illinois.....	1,880,689	878,726
Michigan.....	1,187,971	604,474
Wisconsin.....	400,656	175,205
West North Central.....	1,286,578	678,146
Minnesota.....	306,702	160,702
Iowa.....	137,695	89,003
Missouri.....	540,306	249,925
North Dakota.....	15,946	11,746
South Dakota.....	16,585	10,891
Nebraska.....	105,302	53,058
Kansas.....	164,042	100,821
South Atlantic.....	2,700,255	995,619
Delaware.....	315,308	147,228
Maryland.....	422,740	192,642
District of Columbia.....	165,932	107,252
Virginia.....	563,524	128,797
West Virginia.....	99,618	52,617
North Carolina.....	672,382	125,358
South Carolina.....	105,881	43,433
Georgia.....	198,979	107,009
Florida.....	155,890	91,284
East South Central.....	774,089	278,912
Kentucky.....	420,607	84,421
Tennessee.....	162,141	88,947
Alabama.....	142,431	74,112
Mississippi.....	48,911	31,431
West South Central.....	912,980	525,526
Arkansas.....	54,749	35,663
Louisiana.....	165,360	87,491
Oklahoma.....	156,757	79,185
Texas.....	536,113	323,187
Mountain.....	325,568	195,512
Montana.....	40,414	24,700
Idaho.....	31,010	19,411
Wyoming.....	16,998	11,795
Colorado.....	117,562	62,974
New Mexico.....	19,106	13,790
Arizona.....	33,488	21,673
Utah.....	45,409	25,113
Nevada.....	21,920	16,056
Pacific.....	1,828,883	912,380
Washington.....	287,026	143,865
Oregon.....	130,530	72,971
California.....	1,411,327	695,553

<sup>1</sup> Includes excess profits.

Mr. Chairman, like all the other gentlemen here I have received hundreds, yes, thousands, of letters from all over the United States urging passage of this bill. They came from 42 of the 48 States, from civic clubs; city, county, and State officials; from welfare and social and educational workers; from school children and their teachers.

I should like to insert many of these in the Record, but in the interest of saving space I will mention only a few. Let me draw the attention of the House to the endorsement given the bill by the National Farmers Union, the American Farm Bureau Federation, the National Council of Farmer Cooperatives, and the National Grange. These farm organizations realize that originally the school-lunch program was designed to help take from the glutted granaries of the Nation the agricultural commodities people could not buy and put them in the hun-

gry stomachs of children who had no money. The children got food; the farmers got cash. Some of the farm representatives seem to have forgotten that today.

Then, Mr. Chairman, I want to insert the text of a letter from a big business organization with headquarters in Chicago, the Independent Grocers' Alliance of America. Here is what the president, Mr. Frank J. Grimes, said in his letter to me:

DEAR MR. SABATH: There is a piece of legislation coming up within the next week or two that is of the utmost importance.

I refer to school-lunch bill, H. R. 3370.

I strongly urge your support of this school-lunch bill, making the appropriation \$100,000,000. This school-lunch program confers more direct benefit to children in every community than anything our Government is now doing.

A poll taken in any congressional district of Illinois would indicate that the people themselves are overwhelmingly in favor of this legislation. This is one piece of important and beneficial legislation on which all Members of Congress, regardless of party, should unite and unanimously approve.

Congress has very little opportunity to do something of direct and lasting benefit for the children of our country. Here is the opportunity, and I do hope that we can obliterate party lines in doing something for these boys and girls.

Very truly yours,

J. FRANK GRIMES,  
President.

A few days ago we heard from our honored and kindly majority leader about the wonderful work being done in the stockyards district of Chicago, where 100,000 people live. I have a splendid and thoughtful letter from the Reverend Roman Berendt, school-lunch chairman of the Back of the Yards Neighborhood Council, which is the organization of which the famous and beloved Most Rev. Bernard J. Shell is honorary director. The letter is, unfortunately, too long for quotation.

But here, Mr. Chairman, is a letter from Paul A. Wobus, director of the southeast Ozark area for the Save the Children Federation, which shows that it is not just the city children who need the hot lunches. Mr. Wobus writes from Manchester, Mo., and I cannot resist quoting some parts of it:

The hot-lunch program means more to the children of the Ozarks than I can say. There have just come to me two letters from schools we are sponsoring, stating how much the lunches are helping the children. The teacher of Hogan School writes, "The children are so happy to have lunches now." We helped Hogan start lunches on January 21.

The teacher of Bartlett School, Shannon County, writes: "I know that many of the pupils attend school without the benefit of a nutritious breakfast, and in a few cases, no breakfast at all."

Wherever there is a hot-lunch program, teachers are emphatic in their praise of it, for it not only makes for improved health but increases their alertness and response. School attendance is more nearly perfect in schools which have hot lunches.

It would be a dire calamity to close the school lunchrooms for lack of funds, but that will happen unless there is an appropriation made by Congress. Most Ozark schools could not have a lunch program without Federal aid.

William E. Coates, head of the Newberry Avenue center in my district, wired me:

Children of your district need the school-lunch program. Please support H. R. 3370.

John T. Bernard, former Congressman, now director of political action for a big union, telegraphed:

Our children's health must be protected and improved. Strongly urge you to fight and vote for school-lunch bill.

I will quote no further; but I want to mention, from the scores of organizations that wrote me urging the passage of this legislation, the National Congress of Parents and Teachers, from Chicago; the Council of Churches of Buffalo; Save the Children Federation of New York; Texas State Teachers Association; National Catholic Welfare Conference; National School Lunchroom Conference; Chicago Board of Education.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, from the words that have been uttered in the 3 days of debate on this question one would come to the conclusion that this is a new venture in Government. In West Virginia the hot school-lunch program has been in operation for the past 9 years. The people who are administering it, the members of the Parent-Teachers Association and the home-demonstration agents, are such a high class of citizens that I would be willing to entrust this program to them without any amendments to the bill as introduced. I am for the bill as introduced, and I will be for it even if it is amended.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. COLE].

Mr. COLE of Missouri. Mr. Chairman, I am for a hot school-lunch program. I want to vote for legislation to provide a hot school-lunch program, but I cannot vote for the legislation now before the House if title II is permitted to remain in this bill. I know that there are many others on both sides of the aisle who feel as I do, and I do not believe this bill will pass unless title II is stricken from it.

The time has come for us to get rid of Government bureaus rather than create new ones. Title II of this bill creates a new agency in the Bureau of Education. It authorizes an appropriation of \$15,000,000 a year to enable the Commissioner of Education and the Federal Security Administrator to carry out its provisions. It provides \$175,000 a year to cover the cost of the new agency it creates. Scores of additional high-paid employees will be added to the pay roll under its provisions.

Furthermore—and this is a most dangerous provision—under this title the Commissioner of Education can pass judgment on every State plan and grant no funds to any State until its plan has received his approval. In other words, he can in effect dictate the terms of any State plan by refusing to approve it until his terms are met. The only review

of his decision is by appeal to the United States District Court as provided in section 204 of this title. In my opinion, title II would open the door to Federal control of the educational system of our States, and this is one thing that we must always prevent.

I sincerely hope that this amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico [Mr. FERNANDEZ].

Mr. FERNANDEZ. Mr. Chairman, yesterday we listened to a great deal of argument on the Powell amendment, which prohibits any discrimination on penalty of losing the right to lunch-program money. I did not have an opportunity to express myself on that amendment so I take this opportunity in the 2 minutes allotted to me of speaking on that amendment rather than with reference to Title II. I voted against the Powell amendment yesterday and I hope to have the opportunity of voting against it again today. For 10 years my State has distributed these funds equitably and without the slightest objectionable discrimination. I say objectionable discrimination because in my State we do have certain sections that have many low income people of a class which some people are pleased to denominate a minority. My State, not having enough money, has discriminated at times in favor of those people, and I am sure that is true in other States, for human nature and human compassion are the same everywhere. The Powell amendment makes it impossible to do so. Furthermore, if there should be objectionable discrimination we punish, as the gentleman from Connecticut so well said yesterday, we punish the wrong people—we punish the children. I hope that on passage of the bill the Powell amendment is stricken out.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. STEWART].

Mr. STEWART. Unless the amendment to strike title II is adopted and the Powell-Folger amendment is rejected, I cannot support this bill. If title II is left in this bill, it will put the nose of the Federal Government under the tent, so to speak, giving them entree toward prescribing policies and curricula of our State schools. If the Powell-Folger amendment is adopted, those in authority could say that Oklahoma was not eligible for school-lunch funds because we maintain separate schools for Negroes, thereby discriminating because of race, creed, color, or national origin.

I have always favored hot lunches as we have had them heretofore, but when it comes to the point of Congress saying we have to have schools where all races can attend, you will just have to leave me out because I refuse to go along.

I agree with the school of thought that the word "discrimination," as used in the Powell-Folger amendment, is broad enough to destroy the Oklahoma separate school system. I know how a lot of things have been muddled up here in Washington. A board could be appointed to administer this school-lunch program on the order of the Fair Employ-

ment Practice Commission which was made up of a minority group whose function was to deal with the whole people. Oklahoma is a big taxpayer and maintains adequate schools and ample money to where the Negro can enroll outside of the State in any institution of higher learning where a single school system is in vogue. At present there is no racial question in Oklahoma and there is no sense in stirring up trouble by the adoption of this amendment.

Webster's Unabridged Dictionary defines discrimination as "That which discriminates; a mark of distinction; to separate by discerning differences; to distinguish, as 'to discriminate the goats from the sheep.'" I am interpreting the amendment to mean what it says and that is before the States that have separate schools receive any of this fund, they will have to do away with a separate school system and love of public office is not sufficient for me to say to the people of my State: "You may participate in school-lunch funds but you might have to adopt a single school system to where the white children and Negro children will have to go to school together, before you can qualify."

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Chairman, I am for free lunches for children in schools. I am sorry that in this bill some political propaganda has been incorporated. It has no business in the school-lunch program. I hope that that issue will some day be fought out without making the children the vehicle with which to write it into law.

So far as I am concerned I believe in the school-lunch program. I come from a State that has had from its very inception free education. I believe these lunches should be given regardless of how wealthy or how poor the parents may be.

On the other hand, I am not over-exercised about what the medical association may say or may not say, because I know what the medical association does not know would write many more books than what they do know. They are no more infallible than my own profession—the legal fraternity. Both of these are great professions. They have done a great deal to make life worth while, but there is plenty of room for improvement.

I am sure the medical association knows less about how to feed and bring up children than the parents of the children. I know that in spite of them, you find scrawny and undernourished children in the homes of the wealthy just as often as you do in the homes of the poor. The idea of always telling somebody what he ought to do or what he ought not to do is foolish. It is not for the best interest of the people of this Nation.

I am in favor of school lunches, but I am against the extension of bureaucracy. Therefore, I shall support the elimination of title II. I feel the time has come when we should permit the people who have the responsibility of bringing up children to do so in their own way. I certainly am opposed to building up an educational bureaucracy—a bureaucracy that would attempt to direct the think-

ing of the people of the United States—a bureaucracy that would prescribe the rules and regulations, how children should be dressed, or how they should eat, or how their lunches should be prepared. We have had enough experience with bureaucracy.

We have heard a lot of exaggerated statements of the benefits of these lunches. It has been claimed that children have gained 14 pounds in a few weeks. These statements are so wild and far from the facts that they become ridiculous. Let us keep our balance and give the school children hot lunches, but knowing at the same time that that is not the cure-all, and remembering that there will still be, in spite of free lunches, scrawny and undernourished children, not because they have not enough to eat, but because their bodies do not assimilate the food they do eat. The trouble is not with the food but with its assimilation.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I wonder how many Members realize what a serious thing the Department of Education is in taking over the educational system of the country. Those who do not should obtain and read the 1944 report of the Commissioner of Education and should look at the Budget submission for 1946 for that same organization. They would then realize what a danger it is to have the Federal Government allocating funds to the school systems, and how they are planning to get control of that whole picture. To my mind it is a menace to the public school system of America.

My people had school lunches long before there was any Federal distribution. They can have school lunches without it. I believe every other State government can afford it better than the Federal Government.

I hope this amendment is adopted, and that the bill itself will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. HOPE] for 2 minutes.

Mr. HOPE. Mr. Chairman, I am sorry there seems to be so much misapprehension as to what is contained in title II of this bill. All I can ask is that every Member carefully read title II and then decide for himself if there is anything in it which would bring about control of education in the States by the United States Office of Education.

You have exactly the same provision in that title that you have in the case of every other Federal-aid project. Somebody in Washington must decide whether or not the requirements for Federal aid have been met. There is no one on this floor who is more opposed to Federal aid to education than I. My constituents know that I have consistently opposed it. My school people know it. I would not for a moment support this bill or any other bill that contained the least semblance of Federal control over education. This bill has nothing in it which would give the Commissioner of Education any opportunity to control education in the States.



I am particularly interested in title II because I want to see the little community schools get the benefits of this bill. In the large cities the large school systems do not need the provisions of title II. They are able to get the equipment. They are able to get instructors. They are able to carry on the program. But this \$15,000,000 in title II is set up particularly to enable the small communities, who cannot furnish that service and who do not have the equipment, to participate in the program. I hope that those representing the cities and the larger communities will not deprive the smaller schools of an opportunity to participate in the program by voting title II out of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. Wood].

Mr. WOOD. Mr. Chairman, Daniel Webster once said that the strength of the Nation depends not upon the abundance of its revenue, nor upon the strength of its fortifications, nor upon the beauty of its public buildings, but it consists in the number of its cultivated citizens of enlightenment and character—here is to be found its chief strength and real power. A glance down the long vista of human progress reveals the profound truthfulness of that utterance. How best to develop the highest degree of intelligence and character in the future citizens of America should challenge the earnest and nonpartisan thought and action of every Member of this body who is charged with the responsibility of formulating the rules which govern the conduct, protect the civil rights, and promote the progress of the people of this Republic. There will be, I believe, no controversy with an assertion that this objective may be achieved only by making available to the youths of our generation every means within our power to enable them to obtain the highest possible degree of efficiency, both mentally and physically. In this process it must be admitted that the development of strong bodies is no less important than the development of trained minds. That in many sections of America there exist economic conditions which are daily depriving countless thousands of our youths of the opportunity of such development is a truth that has gone unchallenged on this floor in 3 days of debate on this legislation. That this condition can and will be improved by the continued participation on the part of the Federal Government in the financing of the school-lunch program is a truth which I maintain cannot be successfully disputed.

Entertaining, as I do, a most profound conviction of these truths, and on account of my own personal experience as a youth, realizing the tragic difficulties with which many of our less fortunate children are confronted in their struggle for a place in the sunshine of equal opportunity, I have a most compelling desire to lend my support to a continuation of Federal participation in the school-lunch program. Profound, however, as is that desire, I cannot gratify it at the price called for under the terms of the so-called Powell amendment, adopted by the committee on yesterday. Let me remind you again of this provision: "No

funds made available pursuant to this title shall be paid or disbursed to any State or school if in carrying out its functions under this title it makes any discrimination because of the race, creed, color, or national origin of the children."

When a representative of the Thirteen Original Sovereign States of America formulated our Federal Constitution, they delegated to the Central Government only limited power, specifically enumerated, and as specifically reserved to the several States all other powers. The right to establish and control a system of public education is not a power so delegated to the Central Government, and is therefore reserved to the States. The growth and development of our system of public education has been fraught with many difficulties. From the beginning of the few community schools the system has gradually extended to townships and municipalities, then to counties and States, and at each step it was met with the same arguments of resistance as have been advanced here during these deliberations. In the beginning of the system, public funds were made available to pay only a portion of the compensation of the instructors. The system has gradually grown until today public funds are defraying not only all the compensation of instructors but the cost of erecting and maintaining buildings and facilities for housing, as well as transportation of the children. Even textbooks and other material and equipment are paid from public funds. Can it be seriously contended that the building of strong bodies is less important than these services?

Of course, it is vehemently contended by those who oppose this program here that this question of youth training and development is purely local. May I inquire just how local it is? We boast that we are all citizens of one Nation, indivisible. Certainly the destiny of the Nation must be measured by the standard of the citizens of tomorrow, who are the youths of today. Is it not important, then, that we continue to make available to this important program the money called for in this bill. It is an insignificant sum compared to what we are expending for temporal things. Furthermore, in making it available, is it fair to circumscribe its use by language so general and uncertain that its bureaucratic construction may be a matter of conjecture to each of us.

In a society so complex and divergent in its nature as that of the various sections of America, it is utterly impossible to formulate any rule or set of rules by which the various educational systems in every section can be governed and controlled without bringing about such tragic dislocations in our social and domestic structure as to endanger the very foundation of our Government, and yet that is exactly what this amendment will do. It has been said by the sponsor of this amendment, and by some who have accepted it, that it neither adds to nor detracts from the provisions of the bill. If this be true, then pray why write it into the bill at all? Let us not be misled by these protestations of the innocence of its provisions. The term "discriminate" is a term which can be construed

to meet the whims of the construing authorities, who, in this instance, will be some department head here in Washington, who may have no knowledge of or sympathy with the local problems of any section of America. On this question of a construction of the term "discriminate," the recent decision of the United States Supreme Court affecting the segregation of races on railway trains is most illuminating.

Whether wittingly or unwittingly, I charge that the sponsor of this amendment is being used by the enemies of this legislation for the purpose of sabotaging this bill. To leave to bureaucratic interpretation the term "discrimination" holds so great a danger, that many States will be deprived of the benefits of the bill while being taxed to finance the program, that many sincere advocates of the program cannot support the bill as thus amended. It has been repeatedly said here, without a single voice being lifted in contradiction, that in the 10 years of the life of this program, not one charge of discrimination has been made anywhere. Why, then, I ask in utmost sincerity, should we suddenly anticipate that there is such imminent danger of discrimination as to require the inclusion of this provision which, in my opinion, sounds the death knell of the entire program? Would it not be more in keeping with a proper discharge of our responsibility for the welfare of the youths of this generation to strike from the bill this pernicious provision and extend the program without bitterness or strife, or sectional animosity, and with the consciousness that we are thus striving to merit the approbation of the Messiah, "Inasmuch as you have done it unto the least of these?"

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Voorhis] for 2 minutes.

Mr. VOORHIS of California. Mr. Chairman, although I agree with the interpretation of title II and the argument that the gentleman from Kansas [Mr. Hope] has just made, it is title I that contains the heart of this bill. In the brief time I have, I am going to make an appeal for a vote in favor of that part of the bill, regardless of what the House decides to do about title II.

I have all kinds of evidence before me. I offer you just one piece of it. In one school, where the school lunch was put into effect, the children of that school gained, on an average, 14 pounds in the 3 months thereafter. They needed it. It did them great good. It was part of a sound educational program, because, without the physical and mental stamina which the lunch gave them, they could not take full advantage of the public education that was offered.

Mr. Chairman, we could well take our cue from certain basic moral principles. The one from which I take my cue on this bill is this: I believe it is wrong for us to waste food as long as there are children in America who have need of that food. Already you have set up agricultural programs which pledge this Nation to a reasonable maintenance of farm prices which in effect will require the spending of every dime that is in this bill now many times over in Government

purchases of surplus food crops. The only question is whether, if the local people have established a school-lunch program, Congress will give them a chance to procure a part of this food to make that lunch worth while by means of a Federal contribution through their State educational agency.

We are in an age of superabundant productive powers, and we are going to take our choice on this bill and on other occasions between the course of action of artificial restriction of that production by an increasing regulation by Government to prevent an abundant production and a rising living standard or else we will attempt to increase the standard of living of the people and to increase the demand for our products as fast as the power to produce them increases. This bill seeks to say that we will increase the demand for food in America instead of artificially reducing the supply, and the bill says that it is a part of the fundamental principle of the universal right to a good education for all that the children of the Nation shall be enabled to have the food they need if they are to do a good job of making the most of their educational opportunity.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] for 2 minutes.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, if Congress is to make loans of billions of dollars to other countries in the world with no expectation of repayment, it seems to me we can well afford to support the appropriation for \$50,000,000 for school lunches provided in title I.

Title II, which my amendment seeks to strike from the bill, contains the possibility of creating a new agency in the Bureau of Education to further control affairs of the school-lunch program throughout the country.

The gentleman from Kansas does not fear the danger which I express but I want to call particular attention to the bill which states:

Each State having an approved plan under this title shall be entitled to be paid an amount limited as provided in subsection (c) —

And so forth. Who approves this approved plan? The Commissioner of Education is required to approve any State plan which as determined by the Commissioner complies with the provisions of this section. It is up to him to approve it. Therefore when he is required to approve it he can also write the specifications in the plan and dictate what the States must do in order to get the Federal grant. In view of this danger, I feel it is up to us to eliminate the possibilities conferred upon him by this section. Strike title II from the bill and then we will be saving money and removing any danger of Federal control.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Chair recognizes the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. Mr. Chairman, I sincerely hope that this school-lunch program will pass. Some of our colleagues

on yesterday and again today have stated that they will vote against the bill if the Powell amendment remains in the bill.

Now, what is the Powell amendment? It reads like this:

No funds made available pursuant to this title shall be paid or disbursed to any State or school if in carrying out its functions under this title it makes any discrimination because of race, creed, color, or national origin of children.

I am not a lawyer, but I have discussed the language of the Powell amendment with many of my colleagues who are lawyers, and they advise me that this language neither adds to nor detracts anything from the bill.

Whether it is left in the bill or it is taken out will make no change in the operation of the school-lunch program.

I want the school-lunch program to continue, and whether or not the Powell amendment remains in the bill I shall vote for it, and I urge my colleagues to take a similar position. Let us not punish the children of America on the weak excuse that the Powell amendment is objectionable.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Chairman, it is my sincere hope that the committee will vote to strike out title 2 of this bill. Title 2 creates a new agency in the Bureau of Education and this is no time to expand Federal agencies. Not only that, but I am vigorously opposed to any Federal legislation that would assume direction or interference in our public, parochial, and private school systems. We must guard against any legislation that would be the entering wedge for Federal control of the schools of our State.

While it is true that the pending legislation provides only for supervision of the nutritional requirements of school lunches, it is a step in the wrong direction. If it is assumed that it is necessary to have direction of food, what is to prevent future legislation authorizing the type of clothing and dress of these same children? That is the pattern that has been followed in some of our European nations and brought about school systems under regulations and supervision of totalitarian governments. If title 2 is not stricken from the bill I will vote against it.

Title 1 of this bill, which provides for a school-lunch program, is a continuation of the present school-lunch program. In my opinion the proposed legislation would soon take the Federal Government out of the school-lunch project and place it in the hands of the States where it belongs.

Mr. WHITE. Mr. Chairman, there is submitted herewith for the consideration of the members of the Committee the following communications from people of the First Congressional District of Idaho in support of the provisions of H. R. 3370:

BANCROFT, IDAHO, February 8, 1946.

Representative COMPTON WHITE,  
House of Representatives

Washington, D. C.:

Please support H. R. 3370, aid to school-lunch bill. Vitally important.

NORTH GEM PARENT-TEACHERS ASSOCIATION,  
Bancroft, Idaho.

MOSCOW, IDAHO, February 5, 1946.

Hon. COMPTON I. WHITE,  
House of Representatives,  
Washington, D. C.:

Urge your support of House bill No. 3370, and to school-lunch program. The program in Moscow serves 500 children a day. Stoppage would create hardships for many.

Respectfully,

MOSCOW PARENT-TEACHERS ASSOCIATION.

WILDER, IDAHO, February 5, 1946.

Representative COMPTON I. WHITE,  
Washington, D. C.:

Please support H. R. 3370, aid to school-lunch program. Feeding 400 farm children through Government aid. Feel this program is a distinct benefit.

Mrs. WILLIAM GROSS,  
President, Wilder Parent-Teachers Association.

MOSCOW, IDAHO, February 6, 1946.

Hon. COMPTON I. WHITE,  
House Office Building:

Request your favorable vote H. R. 3370, school-lunch program.

MOSCOW HOMEMAKERS CLUB.

LEWISTON, IDAHO, January 30, 1946.

Representative WHITE:

Second district of Idaho Congress of Parents Teachers Association urge your support of House Resolution 3370, aid to school-lunch bill.

Mrs. ULLIE HARDMAN,  
President, Second District Parent-Teachers Association.

PAGE, IDAHO, February 11, 1946.

Mr. COMPTON WHITE,  
Washington, D. C.

DEAR SIR: I am writing you in behalf of the Silver King School at Silver King, Idaho, and wish to ask you to do whatever is possible to urge maintenance of bill H. R. 3370 for school lunch aid.

The Parents and Teachers Association has taken hot lunches as a project this year in our school, and we are attempting to equip a kitchen and arrange for the functioning of this program at the beginning of the next school term.

We will greatly appreciate anything you can do to help us.

Yours truly,

Mrs. DEVERE POLLOCK,  
Secretary of Parents and Teachers Association.

CALDWELL, IDAHO, October 22, 1945.

Representative COMPTON I. WHITE,  
House of Representatives,  
Washington, D. C.

DEAR SIR: The Parent-Teachers Association of the Washington Junior High in Caldwell, Idaho, have requested me to write you in regard to H. R. 3370, bill No. 922. They wish to see the legislation passed which will favor the hot-lunch program.

Yours truly,

MARGARET HOWARD,  
Secretary of Parent-Teachers Association, Washington Junior High, Caldwell, Idaho.

NAMPA, IDAHO, November 15, 1945.

Representative COMPTON WHITE,  
Washington, D. C.

DEAR SIR: Our Parent-Teachers Association of 140 members urges you to vote for the passage of H. R. 3370, the Government assistance for hot-lunch projects.

Sincerely,

Mrs. LOUIS IHLI,  
President of Parent-Teachers Association, St. Paul's Parochial School, Nampa, Idaho.



SUNSHINE STAR ROUTE,  
Kellogg, Idaho, February 5, 1946.  
Representative COMPTON WHITE,

Washington, D. C.  
DEAR MR. WHITE: The Elk Creek Parent-Teachers' Association wishes to urge continuation in power of bill H. R. 3370 for school-lunch aid.

Yours truly,

Mrs. VELMA HERDLICK,  
Secretary, Elk Creek, Parent-Teachers' Association.

NAMPA, IDAHO, February 9, 1946.  
COMPTON WHITE,  
Idaho Representative to Congress,  
Washington, D. C.:

Midway Parent-Teachers' Association, membership 48, favors passage of H. R. 3370.

Mrs. W. J. GAITHER,  
Secretary of Parent-Teachers' Association.

KELLOGG, IDAHO, February 5, 1946.  
COMPTON WHITE,  
Washington, D. C.

DEAR SIR: The Shoshone County Council of the National Parent-Teachers' Association wishes to go on record as urging the maintenance of bill H. R. 3370 for school-lunch aid. Sincerely yours,

MARJORIE STEPHENS  
(Mrs. Elton Stephens),  
Council Secretary.

Mr. MANSFIELD of Montana. Mr. Chairman, I am heartily in favor of the school-lunch program, because I feel it has accomplished much good in caring for the dietary deficiencies of our children. This program has been well administered on a local basis in Montana, and the people who have contributed of their time and effort in helping the children have performed a patriotic service. Their efforts in this respect are entitled to the highest commendation and the children of today will bless them for their consideration. This Congress can do no better service to the children of America—the citizens of tomorrow—than to pass this measure. I am voting for this bill because I believe in human values and because I want to see our children given every possible opportunity to grow up to be strong, able, and intelligent citizens in our democracy. We have no greater resource than these youngsters and as Members of Congress, no greater responsibility than their welfare.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. FLANNAGAN] for 2 minutes, to conclude the debate.

Mr. FLANNAGAN. Mr. Chairman, I want to be perfectly frank with the membership. While I think we need title II in order to have a well-rounded school-lunch program, yet if title II is going to be the means of crucifying between six and ten million boys and girls of America, of taking from them a hot school lunch, then I say take it out, because with this title deleted we will have the same school-lunch program under title I that we have today.

But I want to say further that in order to have a well-rounded program, in my opinion, title II is necessary.

Title II does not vest in the Federal Commissioner of Education the dictatorial powers some Members believe it

does. It is patterned, for instance, after the legislation giving Federal aid to roads. Before the State can obtain Federal funds for road building they have to build the road according to certain specifications. The only thing the Federal Road Commissioner does is to see that the law is complied with; that is, that the State roads meet the Federal standards. That is true in this instance. The Congress writes the program under title II and the only thing the United States Commissioner of Education has to do with it is to see that the program as written by Congress has been observed by the States. That is all.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired on the pending amendment. The question is on the amendment offered by the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JACKSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3370) to provide assistance to the States in establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, pursuant to House Resolution 495, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. STEWART. Mr. Speaker, I ask for a separate vote on the Powell amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 9, line 6, after the period, insert the following: "No funds made available pursuant to this title shall be paid or disbursed to any State or school if, in carrying out its functions under this title, it makes any discrimination because of race, creed, color, or national origin of children."

The SPEAKER. The question is on the amendment.

The question was taken, and the Chair being in doubt, the House divided; and there were—ayes 156, noes 67.

Mr. HARRIS and Mr. HOFFMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 258, nays 110, not voting 62, as follows:

[Roll No. 28]

YEAS—258

Allen, Ill.  
Andersen,  
H. Carl  
Andrews, N. Y.  
Angell  
Arends  
Arnold

Auchincloss  
Bailey  
Barrett, Pa.  
Barrett, Wyo.  
Barry  
Bates, Mass.  
Bender

Bennet, N. Y.  
Bennett, Mo.  
Bishop  
Blackney  
Bloom  
Bradley, Mich.  
Bradley, Pa.

Brehm  
Brown, Ohio  
Brumbaugh  
Buck  
Buffett  
Bunker  
Burgin  
Butler  
Byrne, N. Y.  
Byrnes, Wis.  
Campbell  
Canfield  
Cannon, Mo.  
Carlson  
Carnahan  
Case, S. Dak.  
Celler  
Chelf  
Church  
Clason  
Clements  
Clippinger  
Cochran  
Coffee  
Cole, Mo.  
Corbett  
Cresser  
Cunningham  
D'Alesandro  
Dawson  
De Lacy  
Delaney,  
James, J.  
Delaney,  
John J.  
D'Ewart  
Dingell  
Dirksen  
Dolliver  
Dondero  
Douglas, Calif.  
Doyle  
Dworshak  
Eaton  
Elliott  
Ellsworth  
Elsaesser  
Elston  
Engel, Mich.  
Engle, Calif.  
Fallon  
Feighan  
Fenton  
Flood  
Fogarty  
Folger  
Forand  
Fuller  
Fulton  
Gallagher  
Gamble  
Gardner  
Gavin  
Gearhart  
Geelan  
Gerlach  
Gifford  
Gillespie  
Gillette  
Gillie  
Goodwin  
Gordon  
Gorski  
Graham  
Granahan  
Grant, Ind.  
Green  
Griffiths  
Gross  
Gwinn, N. Y.  
Gwynne, Iowa  
Hagen

Hale  
Hall,  
Edwin Arthur  
Hall,  
Leonard W.  
Hand  
Hart  
Havener  
Hedrick  
Heffernan  
Henry  
Herter  
Hess  
Hill  
Hinshaw  
Hoch  
Hoeven  
Hoffman  
Holifield  
Holmes, Wash.  
Hope  
Horan  
Howell  
Huber  
Hull  
Izac  
Jackson  
Jenkins  
Jensen  
Johnson, Calif.  
Johnson, Ill.  
Johnson, Ind.  
Johnson, Okla.  
Jones  
Jonkman  
Judd  
Kean  
Kearney  
Kee  
Keefe  
Kelley, Pa.  
Kelly, Ill.  
Keogh  
King  
Kinzer  
Kirwan  
Knutson  
Kopplemann  
Kunkel  
LaFollette  
Latham  
Lea  
LeCompte  
LeFevre  
Lesinski  
Lewis  
Link  
Lynch  
McConnell  
McCowan  
McDonough  
McGlinchey  
McMillen, Ill.  
Madden  
Mansfield,  
Mont.  
Marcantonio  
Martin, Iowa  
Martin, Mass.  
Mason  
Mathews  
Michener  
Miller, Calif.  
Miller, Nebr.  
Monroney  
Morgan  
Murdock  
Murphy  
Murray, Wis.  
Neely  
Norblad  
O'Brien, Ill.

O'Hara  
O'Konski  
O'Neal  
O'Toole  
Outland  
Pfeiffer  
Phillips  
Phillips  
Pittenger  
Ploeser  
Plumley  
Powell  
Price, Ill.  
Quinn, N. Y.  
Rabaut  
Rabin  
Ramey  
Rayfiel  
Reed, Ill.  
Rees, Kans.  
Resa  
Rich  
Robertson,  
N. Dak.  
Robison, Ky.  
Rockwell  
Rodgers, Pa.  
Roe, N. Y.  
Rogers, Mass.  
Rogers, N. Y.  
Rooney  
Rowan  
Ryter  
Sabath  
Sasser  
Savage  
Schwabe, Mo.  
Scrivner  
Shafer  
Sharp  
Sheppard  
Sheridan  
Simpson, Ill.  
Simpson, Pa.  
Smith, Maine  
Smith, Ohio  
Smith, Wis.  
Snyder  
Somers, N. Y.  
Spence  
Springer  
Stefan  
Stevenson  
Stigler  
Stockman  
Sullivan  
Sumner, Ill.  
Sundstrom  
Taber  
Talbot  
Talle  
Tibbott  
Tolan  
Torrens  
Towe  
Traynor  
Vorys, Ohio  
Wadsworth  
Walter  
Wasielewski  
Welch  
White  
Wigglesworth  
Wilson  
Wolcott  
Wolfenden, Pa.  
Wolverton, N. J.  
Woodhouse  
Woodruff

NAYS—110

Abernethy  
Allen, La.  
Almond  
Anderson, Calif.  
Andresen,  
August H.  
Andrews, Ala.  
Barden  
Bates, Ky.  
Beckworth  
Bell  
Bland  
Bonner  
Boren  
Boykin  
Brooks  
Brown, Ga.  
Bryson  
Bulwinkle  
Burch  
Camp

Cannon, Fla.  
Clark  
Cleenger  
Coley  
Cooper  
Cox  
Cravens  
Crawford  
Daughton, Va.  
Davis  
Domengeaux  
Doughton, N. C.  
Drewry  
Durham  
Earthman  
Fernandez  
Flannagan  
Gary  
Gibson  
Gore  
Gossett

Granger  
Grant, Ala.  
Gregory  
Hancock  
Hare  
Harless, Ariz.  
Harris  
Hébert  
Hobbs  
Holmes, Mass.  
Jarman  
Johnson,  
Luther A.  
Johnson,  
Lyndon B.  
Kefauver  
Kilburn  
Kilday  
Lanham  
Larade  
Lemke

Lyle	Price, Fla.	Sumners, Tex.
McGehee	Priest	Tarver
McKenzie	Rains	Thomas, Tex.
McMillan, S. C.	Rankin	Thomason
Mahon	Reece, Tenn.	Trimble
Maloney	Richards	Vinson
Manasco	Riley	Voorhis, Calif.
Mansfield, Tex.	Rivers	Weaver
May	Rizley	West
Mills	Roe, Md.	Whitten
Morrison	Rogers, Fla.	Whittington
Murray, Tenn.	Russell	Wickersham
Norrell	Sikes	Winstead
Pace	Slaughter	Wood
Patman	Smith, Va.	Worley
Pickett	Sparkman	Zimmerman
Poage	Stewart	

## NOT VOTING—62

Adams	Ervin	Mundt
Baldwin, Md.	Fellows	Norton
Baldwin, N. Y.	Fisher	O'Brien, Mich.
Beall	Gathings	O'Brien, Mich.
Biemiller	Halleck	Patterson
Bolton	Harness, Ind.	Peterson, Fla.
Buckley	Hartley	Peterson, Ga.
Case, N. J.	Hays	Randolph
Chapman	Healy	Reed, N. Y.
Chenoweth	Hendricks	Robertson, Va.
Chipperfield	Heseltan	Robinson, Utah
Cole, Kans.	Hook	Sadowski
Cole, N. Y.	Jennings	Schwabe, Okla.
Colmer	Kerr	Short
Combs	Landis	Starkey
Courtney	Lane	Taylor
Curley	Luce	Thom, N. J.
Curtis	Ludlow	Vursell
Douglas, Ill.	McCormack	Winter
Eberhart	McGregor	
Ellis	Morrow	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thomas of New Jersey for, with Mr. Gathings against.

Mr. Hartley for, with Mr. Hays against.

Mr. Heseltan for, with Mr. Courtney against.

Mr. Patterson for, with Mr. Peterson of Georgia against.

Mr. Healy for, with Mr. Kerr against.

General pairs until further notice:

Mr. McCormack with Mr. Short.

Mr. Hendricks with Mr. Halleck.

Mr. Baldwin of Maryland with Mr. Vursell.

Mrs. Norton with Mr. Jennings.

Mr. Buckley with Mr. Harness of Indiana.

Mr. Chapman with Mr. Schwabe of Oklahoma.

Mr. Randolph with Mr. Reed of New York.

Mr. Lane with Mr. Mundt.

Mr. Starkey with Mr. Chenoweth.

Mr. Thom with Mr. McGregor.

Mr. Robertson of Virginia with Mr. Cole of New York.

Mr. Curley with Mr. Chipperfield.

Mr. Bryson with Mr. Fellows.

Mr. Peterson of Florida with Mr. Case of New Jersey.

Mr. Colmer with Mrs. Luce.

Mr. SIKES and Mr. HART changed their vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CLEVELER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CLEVELER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CLEVELER moves to recommit the bill to the Committee on Agriculture.

Mr. FLANNAGAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

Mr. RANKIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 260, not voting 49, as follows:

## [Roll No. 29]

## YEAS—121

Abernethy	Gwinn, N. Y.	Norrell
Allen, La.	Gwynne, Iowa	O'Hara
Almond	Hale	Patman
Andrews, Ala.	Hall	Pickett
Andrews, N. Y.	Leonard W.	Ploer
Arends	Halleck	Poage
Arnold	Hancock	Price, Fla.
Bates, Mass.	Harris	Rains
Beckworth	Hébert	Rankin
Bell	Hess	Rich
Bland	Hobbs	Rizley
Boykin	Hoffman	Roe, Md.
Brooks	Holmes, Mass.	Rogers, Fla.
Brown, Ohio	Jarman	Russell
Buck	Jenkins	Schwabe Mo.
Buffett	Jensen	Sikes
Bulwinkle	Johnson, Ill.	Slaughter
Burch	Johnson, Ind.	Smith, Ohio
Byrnes, Wis.	Johnson	Smith, Va.
Church	Luther A.	Springer
Clevenger	Jones	Stefan
Cox	Kean	Stewart
Cravens	Kilburn	Stockman
Crawford	Knutson	Sumner, Ill.
Curtis	Lanham	Sumners, Tex.
Daughton, Va.	Larcade	Sundstrom
Domengeaux	Latham	Taber
Drewry	LeFevre	Towe
Earthman	Lyle	Vorvys, Ohio
Eaton	McCowan	Wadsworth
Ellis	McGehee	Weichel
Ellsworth	McKenzie	West
Elston	Mahon	Whitten
Fellows	Manasco	Whittington
Gamble	Mansfield, Tex.	Wigglesworth
Gibson	Martin Mass.	Winstead
Gifford	Mason	Wolcott
Goodwin	Mathews	Wood
Gossett	Miller, Nebr.	Woodruff
Grant, Ala.	Mills	Worley
Griffiths	Murray, Tenn.	

## NAYS—260

Allen, Ill.	Clark	Fogarty
Andersen	Clason	Folger
H. Carl	Clements	Forand
Anderson, Calif.	Clippinger	Fuller
Andersen	Cochran	Fulton
August H.	Coffee	Gallagher
Angell	Cole, Mo.	Gardner
Auchincloss	Combs	Gary
Bailey	Cooley	Gavin
Barden	Cooper	Gearhart
Barrett, Pa.	Corbett	Geelan
Barrett, Wyo.	Crosser	Gerlach
Barry	Cunningham	Gillespie
Bates, Ky.	D'Alesandro	Gillette
Bender	Davis	Gillie
Bennet, N. Y.	Dawson	Gordon
Bennett, Mo.	De Lacy	Gore
Biemiller	Delaney	Gorski
Bishop	James J.	Graham
Blackney	Delaney	Granahan
Bloom	John J.	Granger
Bonner	D'Ewart	Grant, Ind.
Bradley, Mich.	Dingell	Green
Bradley, Pa.	Dirksen	Gregory
Brehm	Dolliver	Gross
Brown, Ga.	Dondero	Hagen
Brumbaugh	Doughton, N. C.	Hall
Bryson	Douglas, Calif.	Edwin Arthur
Bunker	Doyle	Hand
Burgin	Durham	Hare
Butler	Dworshak	Harless, Ariz.
Byrne, N. Y.	Eberhart	Hart
Camp	Elliott	Havenner
Campbell	Elsasser	Healy
Canfield	Engel, Mich.	Hedrick
Cannon, Fla.	Engle, Calif.	Heffernan
Cannon, Mo.	Fallon	Henry
Carlson	Feighan	Hertter
Carnahan	Fenton	Hill
Case, S. Dak.	Fernandez	Hinschaw
Celler	Flannagan	Hoch
Chief	Flood	Hoeven

Holifield	Martin, Iowa	Rooney
Holmes, Wash.	May	Rowan
Hope	Michener	Ryder
Horan	Miller, Calif.	Sabath
Howell	Monroney	Sadowski
Huber	Morgan	Sasser
Hull	Morrison	Savage
Izac	Murdock	Shafer
Jackson	Murphy	Sharp
Johnson, Calif.	Murray, Wis.	Sheppard
Johnson	Neely	Sheridan
Lyndon B.	Norblad	Simpson, Ill.
Johnson, Okla.	O'Brien, Ill.	Simpson, Pa.
Jonkman	O'Brien, Mich.	Smith, Maine
Judd	O'Konski	Smith, Wis.
Kearney	O'Neal	Snyder
Kee	O'Toole	Somers, N. Y.
Keefe	Outland	Sparkman
Kefauver	Pace	Spence
Kelly, Pa.	Patrick	Stevenson
Kelly, Ill.	Pfeifer	Stigler
Keogh	Philbin	Sullivan
Kilday	Phillips	Talbot
King	Pittenger	Talle
Kinzer	Plumley	Tarver
Kirwan	Powell	Thomas, Tex.
Kopplemann	Price, Ill.	Thomason
Kunkel	Priest	Tibbott
LaFollette	Quinn, N. Y.	Tolan
Lea	Rabaut	Torrens
LeCompte	Rabin	Traynor
Lemke	Ramey	Trimble
Lesinski	Rayfield	Vinson
Lewis	Reece, Tenn.	Voorhis, Calif.
Link	Reed, Ill.	Vursell
Luce	Rees, Kans.	Walter
Lynch	Resa	Wasielewski
McConnell	Richards	Weaver
McCormack	Riley	Welch
McDonough	Rivers	White
McGlinchey	Robertson	Wickersham
McMillan, S. C.	N. Dak.	Wilson
McMillen, Ill.	Robison, Ky.	Wolfenden, Pa.
Madden	Rockwell	Wolverton, N. J.
Maloney	Rodgers, Pa.	Woodhouse
Mansfield	Roe, N. Y.	Zimmerman
Mont	Rogers, Mass.	
Marcantonio	Rogers, N. Y.	

## NOT VOTING—49

Adams	Ervin	Norton
Baldwin, Md.	Fisher	Patterson
Baldwin, N. Y.	Gathings	Peterson, Fla.
Beall	Harness, Ind.	Peterson, Ga.
Bolton	Hartley	Randolph
Boren	Hays	Reed, N. Y.
Buckley	Hendricks	Robertson, Va.
Case, N. J.	Heseltan	Robinson, Utah
Chapman	Hook	Schwabe, Okla.
Chenoweth	Jennings	Short
Chipperfield	Kerr	Starkey
Cole, Kans.	Landis	Taylor
Cole, N. Y.	Lane	Thom
Colmer	Ludlow	Thomas, N. J.
Courtney	McGregor	Winter
Curley	Morrow	
Douglas, Ill.	Mundt	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Thomas of New Jersey for, with Mr. Healy against.

Mr. Cole of New York for, with Mr. Patterson against.

Mr. Baldwin of Maryland for, with Mr. Hartley against.

Additional general pairs:

Mr. Ludlow with Mr. Adams.

Mr. Hook with Mrs. Bolton.

Mr. Robinson of Utah with Mr. Case of New Jersey.

Mr. Ervin with Mr. Morrow.

Mrs. Douglas of Illinois with Mr. Winter.

Mr. DAVIS, Mr. ANGELL, and Mr. LEWIS changed their votes from "aye" to "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. FLANNAGAN. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.



The question was taken; and there were—yeas 276, nays 101, answered "present" 3, not voting 50, as follows:

[Roll No. 30]  
YEAS—276

Allen, Ill.	Gary	Murray, Tenn.
Andersen, H. Carl	Gavin	Murray, Wis.
Anderson, Calif.	Gearhart	Neely
Andersen, August H.	Geelan	Norblad
Angell	Gerlach	O'Brien, Ill.
Arnold	Gillespie	O'Brien, Mich.
Auchincloss	Gillette	O'Hara
Bailey	Gillie	O'Konski
Barden	Gordon	O'Neal
Barrett, Pa.	Gorski	O'Toole
Barrett, Wyo.	Graham	Outland
Barry	Granahan	Pace
Bates, Ky.	Granger	Patman
Beckworth	Grant, Ind.	Patrick
Bender	Green	Pfeifer
Bennet, N. Y.	Gregory	Philbin
Bennett, Mo.	Gross	Phillips
Biemiller	Hagen	Pittenger
Bishop	Haill	Plumley
Blackney	Edwin Arthur	Powell
Bloom	Hand	Price, Fla.
Bonner	Hare	Price, Ill.
Boren	Harless, Ariz.	Priest
Bradley, Mich.	Hart	Quinn, N. Y.
Bradley, Pa.	Havenner	Rabaut
Brehm	Healy	Rabin
Brown, Ga.	Hedrick	Rains
Brumbaugh	Heffernan	Ramey
Bryson	Henry	Rayfield
Bunker	Herter	Reece, Tenn.
Burgin	Hill	Reed, Ill.
Butler	Hinschaw	Rees, Kans.
Byrne, N. Y.	Hoch	Resa
Camp	Hoeven	Richards
Campbell	Hollifield	Riley
Canfield	Holmes, Wash.	Rivers
Cannon, Fla.	Hope	Rizley
Cannon, Mo.	Horan	Robertson, N. Dak.
Carlson	Howell	Robson, Ky.
Carnahan	Huber	Rockwell
Case, S. Dak.	Hull	Rodgers, Pa.
Chelf	Izac	Roe, N. Y.
Clason	Jackson	Rogers, Fla.
Clements	Johnson, Calif.	Rogers, Mass.
Clippinger	Johnson, Ind.	Rogers, N. Y.
Cochran	Johnson, Okla.	Rooney
Coffee	Jonkman	Rowan
Cole, Mo.	Judd	Ryter
Combs	Kearney	Sabath
Cooley	Kee	Sadowski
Cooper	Keefe	Sasser
Corbett	Kefauver	Savage
Cravens	Kelley, Pa.	Sharp
Crosser	Kelly, Ill.	Sheppard
Cunningham	Keogh	Sheridan
D'Alesandro	Kilday	Sikes
Davis	King	Simpson, Ill.
Dawson	Kinzer	Simpson, Pa.
De Lacy	Kirwan	Smith, Maine
Delaney, James J.	Kopplemann	Snyder
Delaney, John J.	Kunkel	Somers, N. Y.
D'Ewart	LaFollette	Sparkman
Dingell	Lea	Spence
Dirksen	LeCompte	Springer
Dolliver	Lemke	Stefan
Dondero	Lesinski	Stevenson
Doughton, N. C.	Lewis	Stigler
Douglas, Calif.	Link	Sullivan
Doyle	Luce	Talbot
Durham	Lyle	Talle
Dworshak	Lynch	Tarver
Earthman	McConnell	Thomas, Tex.
Eberhart	McCormack	Thomason
Elliott	McCowan	Tibbott
Ellis	McDonough	Tolan
Elsaesser	McGlinchey	Torrens
Engel, Mich.	McMillan, S. C.	Traynor
Engle, Calif.	McMillen, Ill.	Trimble
Fallon	Madden	Vinso
Feighan	Mahon	Voorhis, Calif.
Fenton	Maloney	Vursell
Fernandez	Mansfield	Walter
Fannagan	Mont	Wasielewski
Flood	Marcantonio	Weaver
Fogarty	Martin, Iowa	Weichel
Folger	May	Welch
Forand	Michener	White
Fuller	Miller, Calif.	Wickersham
Fulton	Monroney	Wilson
Gallagher	Morgan	Wolfenden, Pa.
Gardner	Morrison	Wolverton, N. J.
	Murdoch	Woodhouse
	Murphy	Zimmerman

## NAYS—101

Abernethy	Griffiths	Miller, Nebr.
Allen, La.	Gwinn, N. Y.	Mills
Almond	Gwynne, Iowa	Norrell
Andrews, Ala.	Hale	Pickett
Andrews, N. Y.	Hall	Ploeser
Arends	Leonard W.	Poage
Bates, Mass.	Halleck	Rankin
Bell	Hancock	Rich
Bland	Harris	Roe, Md.
Boykin	Hébert	Russell
Brooks	Hess	Schwabe, Mo.
Brown, Ohio	Hobbs	Schvener
Buck	Hoffman	Shafer
Buffett	Holmes, Mass.	Smith, Ohio
Bulwinkle	Jarman	Smith, Va.
Burch	Jenkins	Smith, Wis.
Byrnes, Wis.	Jensen	Stewart
Church	Johnson, Ill.	Stockman
Clark	Johnson	Sumner, Ill.
Clevenger	Luther A.	Summers, Tex.
Cox	Jones	Sundstrom
Crawford	Kean	Taber
Curtis	Kilburn	Towe
Daughton, Va.	Knutson	Vorvs, Ohio
Domengeaux	Lanham	Wadsworth
Drewry	Larcade	West
Eaton	Latham	Whitten
Ellsworth	LeFevre	Whittington
Elston	McGehee	Winstead
Gamble	McKenzie	Wolcott
Gibson	Manasco	Wood
Gifford	Mansfield, Tex.	Woodruff
Goodwin	Martin, Mass.	Worley
Gossett	Mason	
Grant, Ala.	Mathews	

## ANSWERED "PRESENT"—3

Fellows	Gore	Wigglesworth
---------	------	--------------

## NOT VOTING—50

Adams	Ervin	Norton
Baldwin, Md.	Fisher	Patterson
Baldwin, N. Y.	Gathings	Peterson, Fla.
Beall	Harness, Ind.	Peterson, Ga.
Bolton	Hartley	Randolph
Buckley	Hays	Reed, N. Y.
Case, N. J.	Hendricks	Robertson, Va.
Celler	Heseltun	Robinson, Utah
Chapman	Hook	Schwabe Okla.
Chenoweth	Jennings	Short
Chiperfield	Kerr	Slaughter
Cole, Kans.	Landis	Starkey
Cole, N. Y.	Lane	Taylor
Colmer	Ludlow	Thom
Courtney	McGregor	Thomas, N. J.
Curley	Morrow	Winter
Douglas, Ill.	Mundt	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Heseltun for, with Mr. Wigglesworth against.

Mrs. Douglas of Illinois for, with Mr. Baldwin of Maryland against.

Mr. Baldwin of New York for, with Mr. Thomas of New Jersey against.

Mr. Jennings for, with Mr. Fellows against.

Mr. Courtney for, with Mr. Cole of New York against.

Mr. Gore for, with Mr. Slaughter against.

General pairs:

Mr. Randolph with Mr. Beall.

Mr. Peterson of Florida with Mr. Chiperfield.

Mr. Robinson of Utah with Mr. Adams.

Mr. Lane with Mr. McGregor.

Mr. Hays with Mr. Hartley.

Mr. Chapman with Mr. Gross.

Mr. Hook with Mr. Harness of Indiana.

Mr. Patterson with Mrs. Bolton.

Mr. Gathings with Mr. Mundt.

Mr. Kerr with Mr. Chenoweth.

Mr. Starkey with Mr. Morrow.

Mr. Hendricks with Mr. Reed of New York.

Mr. Robertson of Virginia with Mr. Short.

Mr. Fisher with Mr. Taylor.

Mr. Buckley with Mr. Schwabe of Oklahoma.

Mr. GORE. Mr. Speaker, I have a live pair with the gentleman from Missouri,

Mr. SLAUGHTER. I voted "yea." I withdraw my vote and answer "present."

Mr. WIGGLESWORTH. Mr. Speaker, I have a live pair with the gentleman from Massachusetts, Mr. HESLTON. I am informed if he were present he would vote "aye." I voted "no." Therefore, I withdraw my vote and answer "present."

Mr. FELLOWS. Mr. Speaker, I have a live pair with the gentleman from Tennessee, Mr. JENNINGS. If he were present, he would have voted "aye." I voted "no." I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROHIBITING CERTAIN COERCIVE PRACTICES AFFECTING RADIO BROADCASTING

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 524, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5117) to amend title V of the Communications Act of 1934 so as to prohibit certain coercive practices affecting radio broadcasting, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of the bill (H. R. 5117) the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill (S. 63), and it shall then be in order to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H. R. 5117.

Mr. COX. Mr. Speaker, the reasons for reporting H. R. 5117 as set forth in the report of the sponsoring committee were the reasons why the Rules Committee granted the pending rule.

Mr. Speaker, I now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER] and 15 minutes to the gentleman from Illinois [Mr. SABATH], and I reserve the balance of my time.

Mr. MICHENER. Mr. Speaker, the committee having this bill under consideration is very familiar with it and will carefully explain it.

I do want to answer one question which has been asked a number of times on the floor this afternoon. That is, "Is organized labor, as such, opposed to this bill?" I cannot answer that, because I have received no single letter, telegram, or word from organized labor in opposition. That is significant. If labor has

not appeared in opposition to this bill there is a reason. The only answer I am going to give is to read from page 2 of the report as to just what the American Federation of Musicians controlled by Mr. Petrillo is:

The make-up and operation of the American Federation of Musicians scarcely justifies its classification as a labor union. Applicants for membership are received without conforming to any qualification of a musician. Only about one-third of them make their living primarily by musical service. The voting privileges of members are so allocated as to permit a minority domination through grossly unequal allotment of voting power.

In most cases demands of the character dealt with by this proposed legislation have been made on behalf of the American Federation of Musicians by James C. Petrillo, its president.

The bylaws of the American Federation of Musicians empower its president to promulgate and issue executive orders "which shall be conclusive and binding upon all members and/or locals; any such order may by its terms (a) enforce the constitution, bylaws, standing resolutions, or other laws, resolutions or rules of the federation; or (b) may annul and set aside same or any portion thereof, except such which treat with the finances of the organization, and substitute therefor other and different provisions of his own making."

The federation thus composed is so organized that its membership has little control over its management or policy.

I believe this shows us there is a clear distinction between labor unions as they are generally recognized in the American Federation of Labor and the CIO, and this particular organization dominated by this man Petrillo who does not seem to be controlled by anyone.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. MARCANTONIO. I wish to state that the CIO is definitely opposed to the bill.

Mr. MICHENER. The gentleman from New York [Mr. MARCANTONIO] undoubtedly knows. He says that the CIO is unalterably opposed to the bill, so I will accept that, of course, as the fact.

Mr. Speaker, the favorable report of the committee best describes this proposed legislation. That report is in part as follows:

#### GENERAL STATEMENT

For some years the radio broadcasters of the Nation have been harassed by ever-increasing extortionate and racketeering demands to which they have been forced to yield by coercive methods. The tributes thus exacted are now measured by millions of dollars.

These exactions have not been in compensation for services performed for the broadcasters or in settlement of any obligations due from them. They have not been made for the enforcement of any rights due those who demanded them.

The object of this proposed legislation is to put an end to these exactions for the protection of the broadcasting industry and for the integrity of the Nation.

#### EVILS AT WHICH DIRECTED

Broadcasting has become one of the great industries of our time. It is now one of the chief means of communication of our Nation. It is one of our greatest implements for free speech. It promptly carries news to

the remotest sections of the country. It is a forum for the discussion of our political, economic, and social problems. It is a source of information, education, entertainment, music, culture, and a vehicle for the messages of all religions, utilized by practically every home in the Nation.

In recent years the broadcasting industry has been subjected to extortionate demands enforced by coercive methods which increasingly threaten to restrict and handicap it in performing its rightful functions to the Nation.

Those making these demands, empowered by organized groups, not only have exacted tributes from the broadcasters but have assumed and exerted the power to say what shall and shall not be communicated over the radio. True, they have limited their dominations and demands to purposes which serve their particular groups, but nevertheless they have set a pattern for a like power of private control exerted for mercenary purposes over other phases of the broadcasting industry of the Nation. The same power exercised for other purposes, if permitted, might make the right of free speech only a name and establish censorship of broadcasting for private gain.

Those who make these demands subordinate the rights of the people of the Nation to an untrammelled broadcasting service to their own mercenary purposes. They in effect say to the broadcasters, and say to the makers of recordings, "You must pay this tribute or we will not permit you to give this service to the Nation." An effective power behind the threat is the boycott and strike.

#### COERCIVE PRACTICES

The local broadcasters of the Nation are greatly dependent on the networks for rounding out their programs. This situation has augmented the coercive power of the Federation of Musicians in forcing compliance with its demands. Through coercive efforts, including boycotts and strikes and threats of boycotts and strikes against broadcasters, the networks and those who furnish materials for broadcasters, the industry has been forced to comply rather than suffer the penalizations that would follow a refusal to submit to these extortionate demands.

Among other things, the following demands upon the broadcasting industry have thus been made in recent years. That broadcasters employ persons in excess of the number wanted; that in lieu of failure to employ such persons the broadcaster should pay to the federation sums of money equivalent to or greater than funds required for the employment of members of the federation; that payments for services already performed and fully paid for should be repeated; that payments should be made for services not performed; that broadcasters should refrain from broadcasting noncompensated, noncommercial educational or cultural programs; that broadcasters should refrain from broadcasting musical programs of foreign origin; that tributes should be paid for using recordings, transcriptions, and other materials used for broadcasting; that restrictions should be placed on the manufacture and use of recordings or transcriptions for the purpose of restricting or preventing the use of such materials for broadcasting; that tributes should be paid for recordings previously paid for; that dual orchestras should be employed for a single broadcast over two or more outlets; that over 400 small broadcast stations in the country having no live orchestras would be compelled to employ such orchestras; that the use of voluntary noncompensated orchestras be barred from broadcasts unless an orchestra of the Federation of Musicians were also employed or that the union was paid an equivalent or greater

amount than the regular charge for a federation orchestra.

Some of these demands began several years ago but in recent years they have become more frequent and for enlarged purposes and amounts. These boycotts and strikes and threats have coerced compliance with a number of these demands, with pending demands now being greater than ever before. The amount of money extorted from the broadcasting industry by these methods, without moral right, has reached millions of dollars in amount and if demands now pending were granted it would, by these racketeering and extortion methods, require the broadcasting industry to pay tribute probably much in excess of \$20,000,000 a year for peace against these boycotts, strikes, and threats.

The broadcasting industry has been surrendering to these demands for tribute to avoid the greater losses that would result from failure to comply.

#### MORAL QUALITY OF PRACTICES JUSTIFIES PENALIZATION

Under the terms of this bill certain specified types of coercive practices and demands are made unlawful. These prohibited practices are made misdemeanors and punishable as such.

The practices thus made unlawful are those directly affecting the broadcasting industry. By specific provisions of the bill it is not to be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right or legal obligation.

The perpetration of the offenses penalized by this bill involve moral turpitude akin to that of larceny, embezzlement, the acquisition of another's property by false pretenses, racketeering, and extortion. They are not within the legitimate activities of any organized association of individuals for the cooperative purpose of their accomplishment.

The right to strike for a lawful purpose cannot be twisted into a right to combine together to commit crimes.

The moral quality of the offenses defined in the bill fully justifies their penalization.

These extortionate exactions from the broadcasting industry have been and are being accomplished by means of threats, intimidation, and coercive power of boycotts and strikes and threats of boycotts and strikes.

The practices proposed to be prohibited by this legislation are to prevent only the unlawful acts as defined in this bill. A strike is a privilege or right exercised for lawful purposes. The law does not contemplate that strikes shall be used as a cloak for the commission of crimes. The provisions of this bill define these unlawful practices and penalize their perpetration.

The restrictions imposed are not a limitation upon the legitimate activities of any association or combination of individuals. There is no more sanctity in crime committed by a combination of individuals than by an individual perpetrator.

#### POWER AND DUTY OF CONGRESS

Congress clearly has the power and the duty of protecting the public against such exactions.

The greatest exponent of Anglo-Saxon law declared that a law is a rule of conduct prescribed by the supreme power in the State commanding what is right and prohibiting what is wrong. The first fundamental under this approach is as to whether or not the act to be prohibited is wrong. In view of the record that has been made the answer to that question cannot be one of doubt. Conceding these practices are of such moral quality as to deserve condemnation as unlawful, the right and duty of Congress to suppress them are equally clear.



This bill provides no unjust limitation on the right to strike. The law recognizes the right to strike for lawful purposes and in a lawful manner. The right to strike should be exercised as other rights of the citizen. We have the right of free speech but that is not a justification for slander. We have the right to bear arms but that is not a justification of murder. Any persons may properly organize for lawful purposes but criminal purposes are beyond their legitimate function.

#### A DISSERVICE TO LABOR

The offenses committed in the name of the American Federation of Musicians are a great disservice to legitimate labor organizations as well as to the public.

The situation presented by this legislation should call for the support of all branches of organized labor to give their condemnation to such outrageous practices committed in the name of labor. Legitimate labor organizations cannot afford to give their condemnation to such practices or approve of them by assuming their defense.

It is incredible to believe that in the long run such practices as those hereby inhibited can rebound to the credit or advantage of any organization which yields itself to these sordid methods.

#### A TYPICAL APPROACH

A characteristic assumption of those who make these demands is carried in a wire from Mr. Petrillo to the networks in October 1945, as follows:

"This is to advise you that after the meeting between your company and the American Federation of Musicians held in my office the matter was further discussed and we came to the final conclusion that beginning Monday, October 29, 1945, wherever musicians play for FM broadcasting and AM broadcasting simultaneously the same number of men must be employed for FM broadcasting as are employed for AM broadcasting, which means a double crew must be employed. Kindly govern yourself accordingly."

The absurdity of such a demand is apparent. Two orchestras required for simultaneous broadcast would be an anomaly. It is reported that one of the networks has a staff orchestra of 95 pieces and compliance with this order would require the employment of 190 musicians to needlessly duplicate and embarrass the work of one orchestra.

A circumstance that gave impetus to this legislation was an edict directed at a music school in Michigan, which prohibited a broadcast by a school orchestra unless a tribute of three times the usual price of an orchestra of the federation was paid for that privilege. The Vandenberg bill which passed the Senate and the Dondero bill introduced in the House were outgrowths of that circumstance.

#### CONCLUSION

The coercive character of the methods followed in the name of the American Federation of Musicians is attested by the indisputable fact of the millions of dollars mulcted from the broadcasting industry in recent years. Time after time broadcasters have paid tribute, and otherwise acceded, to these extortionate demands rather than suffer the greater hardships and losses that refusal to comply would involve. These tributes and other exactions were not payments for services or to satisfy an obligation owed to those who demanded them. They were the price paid for the peace of being relieved from the penalties of refusal. As a reward the broadcasting industry has been confronted with more and greater demands of equal viciousness.

It is the responsibility of the Congress to take effective action to stem the rising tide of unconscionable demands upon the broadcasting industry, against which, in the present state of the law, that industry is powerless to defend itself. To the end of meeting that responsibility, prompt enactment into law of the bill here reported is strongly recommended.

Mr. Speaker, I now yield 15 minutes to the gentleman from Michigan (Mr. DONDERO).

Mr. DONDERO. Mr. Speaker, this bill, H. R. 5117, comes before the House from the Committee on Interstate and Foreign Commerce.

I take no pride of authorship of a bill which I introduced in the House, H. R. 1648, because it was an exact duplicate of the bill introduced in the Senate by Senator VANDENBERG and which passed the Senate.

The committee in the consideration of that bill has greatly strengthened and broadened the language of H. R. 1648 in order to meet the objective desired, and brought this bill, H. R. 5117, before us today.

I am for the bill wholeheartedly, and the rule which makes it in order. I desire to present to the House briefly a little of the history which precipitated this legislation on the floor today.

In my State we have what is known as the National Music Camp at Interlaken, Mich., which is a summer music school attended by boys and girls from all over this Nation interested in the subject of music and who desire to develop their musical talents. In one year students came to that school from 40 States in the Union and four foreign countries. The total enrollment was over 700. That school is partially tax-supported, affiliated with the University of Michigan and is a nonprofit educational institution. Joseph E. Maddy is president of the camp and is also professor of radio and music instruction at the university. He is an able, talented instructor and a cultured gentleman. Because he instructed these young students in developing their musical talents he has been expelled from the American Federation of Musicians after having been a member for 37 years.

James Caesar Petrillo complained to James L. Fly, chairman of the Federal Communications Commission, that the music camp was a "commercial proposition" because a fee was charged. However, the fee included maintenance, musical instruments, and facilities connected with the camp, including insurance and upkeep of 150 buildings in the camp. Many students received scholarships to attend. An investigation by the FCC and also by the United States Office of War Information reported Petrillo's charge to be unfounded.

Mr. Joseph E. Maddy as director in conducting the classes, giving instruction in music, also had these young people broadcast their programs over the radio. This brought an order from the musicians' union, headed by Mr. James C. Petrillo, informing them that broadcasting their programs could not continue unless certain tribute was paid to the musicians' union and that they were interfering with the professional musicians of the United States. That was the beginning of circumstances which has led to the bill now before the House. In the 1944 report to the musicians' union Mr. Petrillo said, "When we came to the summer of 1943 there was no Interlaken High School Orchestra on the air, nor was there any other school band or orchestra on the networks."

I may say that it has affected the broadcasting by orchestras of high-school boys and girls all over the United States and in one of the statements appearing in the record made by Mr. Maddy before the musicians' union there was not any such thing as broadcasting by high-school orchestras or by young people after the summer of 1943. I take it that none has been on the air or over the radio since that time.

Broadcasting over the radio has become the most formidable instrument for the dissemination of information, knowledge, music, and every other cultural thing that we have in American life. If the broadcasting of music and cultural subjects can be stopped by one man, then we have a power in this country which has become formidable and dangerous to our welfare. This bill seeks to remedy that sort of condition.

I want to direct the attention of the House for a minute or two to an incident that occurred in my home city in July 1944. That was during a war year. I come from Royal Oak, Mich., a city of about 30,000 people. You in your home city perhaps during the war years, did exactly what we did, namely, the people of the city with community pride and patriotism, through voluntary contributions, erected an honor roll in memory of men who had put on the uniform of our country and gone forth to fight the Nation's battle. Nearly 3,000 left our city. The contributions were made. A day had been fixed for the program. The Governor of our State was invited to speak, as well as he who now stands in the well of the House. Six or seven thousand people were present, and I may say that the names of the 3,000 men on the board on that day also contained 30 gold stars, men who had already given the last full measure of devotion for the Nation. In the audience were the parents and the relatives of those men. I saw people standing there with tears running down their cheeks, not because their son had been killed in battle alone but because their son's name appeared on that honor roll.

The American Legion, the Veterans of Foreign Wars, the American Red Cross, and every patriotic and public-spirited organization of the city took part. A parade was arranged. The committee in charge invited the Navy band from Dearborn, Mich., just 20 miles away, to come over and participate in that function. The committee believed that the Federal Government should be represented; therefore the appeal was made. We learned that the band of the Navy, all men in uniform and in the service paid by the National Government, was not permitted to come.

I wired to the Secretary of the Navy, Mr. Forrestal, to inquire why the Federal Government could not participate in a patriotic function of that nature. I want to read that telegram to the House because it is short. Here it is:

ROYAL OAK, MICH., July 8, 1944.

HON. JAMES V. FORRESTAL,  
Secretary of the Navy,  
Washington, D. C.:

This city holding dedication services tomorrow honoring roll of 2,600 men in service. Governor Kelly delivering address. United States naval band from Dearborn

Training Station invited to participate, but Musicians' Union forbids. By what authority does Musicians' Union supersede the Government of the United States? Authority Great Lakes Training Station obtained.

That telegram was signed by myself. I received this reply on the same day, directed to me:

WASHINGTON, D. C., July 8, 1944.  
Congressman GEORGE A. DONDERO,  
Royal Oak, Mich.:

Retel, matter referred to Commandant, Ninth Naval District, who has immediate jurisdiction. Have requested him to contact you.

JAMES V. FORRESTAL.

The Ninth Naval District is located at Chicago, Ill. I received two telephone calls from the Commandant, all of which resulted in being told that the Navy band or orchestra from Dearborn, Mich., could not come because Mr. Petrillo had forbidden it. The result was that the program was carried out without the Federal Government being represented on that day.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from New Jersey.

Mr. EATON. Would the gentleman say who told him that?

Mr. DONDERO. The Commandant of the Ninth Naval Station, at Chicago.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Kentucky.

Mr. MAY. Is that any worse than the Army refusing to pass their own trucks through the picket line to get meat for the Army?

Mr. DONDERO. I do not suppose it is. But it is evident, and it does show an instance of how far this particular union head has gone in setting himself up as a power above the Government of the United States.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. However, the bill we have under consideration today does not affect that situation, and there is no remedy for the outrages the gentleman has just mentioned.

Mr. DONDERO. It may not, but at least it remedies a part of the situation to permit the young people of this country to pursue their musical studies without paying tribute to one man.

Mr. SMITH of Virginia. So far as broadcasting is concerned.

Mr. DONDERO. That is correct.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Indiana.

Mr. HALLECK. I think most of us have been shocked at certain of the practices and operations to which the gentleman has referred, as well as other similar operations. I wonder if the gentleman is going to address himself, however, to the penalty provisions contained in this provision and the method hereby sought to be set up to bring about a correction of the practices to which the gentleman refers.

Mr. DONDERO. While it is possible that this bill will not do everything we would like to have it do, the penalty will fit the crime. I appeal to the conscience and judgment of people who are confronted with that condition and to the Members of this body and ask whether or not the penalty is not commensurate or comparable with the injury inflicted upon the American people. The penalty reads that it shall not be exceeding a certain amount, or not exceeding a certain time. It is left to the discretion of the court.

That, in substance, is the situation, and the reason that I am most heartily in favor of this bill.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Will the gentleman go a little more fully into the matter of how it affects the right to broadcast, with regard to not only these school children but other musical activities?

Mr. DONDERO. It means that broadcasting companies are compelled to hire an orchestra or hire a number of musicians to stand by but who do not perform any service, in the same number as the orchestra which might be playing a non-commercial or nonprofit program.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Michigan.

Mr. HOFFMAN. They do not sit by. The company just pays Petrillo for that number. They do not even sit there.

Mr. DONDERO. They do not even have to come, I appreciate that, and I was going into that. They need not even appear. But it does force the broadcasting companies to pay tribute to the musicians union. According to the report, that amount has now reached something like \$20,000,000 in 1 year. That is not a small sum.

Mr. ROBSION of Kentucky. How do they accomplish that?

Mr. DONDERO. Simply by threats of boycott or strike or withdrawing their support or not furnishing music to other programs on the air.

Mr. ROBSION of Kentucky. For the broadcasting institutions.

Mr. DONDERO. That is it.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman has read the bill, undoubtedly. I call the gentleman's attention to the words "or any other means." That means a strike. This is the first time Congress has been asked to impose a prison penalty on anybody for going out on strike. You are therefore legislating involuntary servitude.

Mr. DONDERO. What would be the gentleman's solution, then, of the situation which has been described on this floor?

Mr. MARCANTONIO. What situation, the Interlochen situation?

Mr. DONDERO. That is one, and also conditions such as I have already pre-

sented to the House that occurred in my city and in many cities of this country.

Mr. MARCANTONIO. The solution is very simple. The gentleman is looking at this thing only from one side. He is not looking at it from the side of the ordinary American musician. The American musician is being driven out of existence. Let us help the American musician to protect his livelihood. But you come here and wave the flag, you single out the activities of one individual, Mr. Petrillo, and you shoot at every single American musician.

I have answered the gentleman's question, and I now ask him to answer my question. Because of the condition the gentleman points out in the town of Interlochen, the gentleman wants this Congress to legislate that any person who goes out on strike in the broadcasting industry is subject to imprisonment?

Mr. DONDERO. I do not believe the bill means that at all.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I wonder if the gentleman from Michigan would like to reply to the gentleman from New York by pointing out that there are now more employed musicians in the United States than at any time in the history of the country; therefore, this condition does not exist which was just mentioned.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. COX. Mr. Speaker, of the time allotted to the gentleman from Illinois [Mr. SABATH], in his absence I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, I make a very simple request of the Members of the House, and that is that before we vote on this bill we read it and study it. This bill is brought here behind a smokescreen of indignation against the activities of Mr. Petrillo. Irrespective of what our opinions may be as to the activities of Mr. Petrillo, I submit that the House should consider the implications in this bill. Just what does it do to organized labor in the broadcasting industry?

An analysis of this bill—a cold-blooded analysis of this bill—demonstrates it does two things. First, it goes further than any other bill that the Congress has ever had before it with respect to the right to strike. This is the first time that we have before us a bill which calls for imprisonment in the event that American workers go out on strike. You cannot get away from it. Just read the language of section 506 and note the words "threat of the use of other means." Read those words in conjunction with the language of the bill. Under this bill, if the American musicians refuse to work because of the broadcasting company refusing to accede to their demands, they may be prosecuted and sent to jail. You cannot get away from that, and no amount of blanket denial will contradict it.

Secondly, this bill for the first time in the history of the Congress specifically attempts to fix the arrangements that



are to exist between labor and the broadcasting companies. It gives, of course, all the advantages to the broadcasting companies. It says that labor cannot ask for certain things. It says that labor, for instance, cannot ask that more men be put on the job. That means they cannot ask for better working conditions. If a union finds that the work in a broadcasting station is such that it imposes peculiarly onerous working conditions on the six men, let us say, who may be employed in the broadcasting company, and if it feels that eight men are needed to do that work, when the men ask for an improvement in their working conditions and ask for more men, and strike to obtain this legitimate request, or even if they issue a pamphlet or even make a speech in relation to that request, they will be prosecuted and sent to jail.

Ladies and gentlemen of the House of Representatives, read this bill. I know that we are all aware of the newspaper stories against Mr. Petrillo. I am not asking you to pass on whether or not Mr. Petrillo's activities are right or wrong. But I am asking you to vote down a bill which calls for imprisonment in the event men go out on strike. I am asking you to vote down a bill which takes money out of the pockets of American workers and puts it into the pockets of licensees and broadcasting companies. They speak about the immorality of Petrillo's actions. I just wonder how moral it is to fix a labor policy in this industry which takes money out of the pockets of workers and puts it into the pockets of broadcasting companies. Read the bill. It is a bill to increase the profits of broadcasting monopolies at the expense of workers and not a bill to protect children's orchestras, as its proponents would have us believe. This bill definitely provides for imprisonment for striking and definitely increases the profits of licensees and broadcasting companies at the expense of the American musicians and other workers in the broadcasting industry.

Mr. Speaker, at this point I ask unanimous consent to include a memorandum prepared by the Congress of Industrial Organizations analyzing the bill in detail.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

MEMORANDUM ON H. R. 5117 (MR. LEA)

This bill is directed against what are conceived by its author to be the much publicized activities of Mr. Petrillo of the AFL Musicians Union. Whatever may be the views of any Members of Congress as to the desirability or wisdom of Mr. Petrillo's policies, an analysis of the bill reveals that it embodies principles to which no objective Member of Congress can conscientiously subscribe.

The bill may be divided into two subdivisions. The first, section 506 (a), places certain prohibitions on what may be asked of the radio station with respect to number of people employed or payments in lieu of employment and types of programs which may be broadcast. The second, section 506 (b), places certain prohibitions on the demands which may be made of a radio station "or any other person" with respect to the use of transcriptions or other reproductions. Both portions of the bill are open to very

serious questions of policy and legality. The first portion alone, however, in and of itself furnishes more than ample reason for the defeat of the bill. For present purposes we shall direct our attention to this portion alone.

Section 506 (a) would make it unlawful to use certain enumerated means to compel the licensee of a radio station to do any of six named things. The acts prohibited are defined to include not merely actual or threatened force or violence, but also "express or implied threat" or "intimidation" or "duress" or "other means." Such acts or "means" are outlawed if their purpose is to compel the station licensee (1) to employ persons in excess of the number "wanted" by the station; (2) to make any payment in lieu of employment of persons in excess of the number "wanted"; (3) to pay more than once for services performed; (4) to pay for services which are not to be performed; (5) to refrain from broadcasting a noncommercial, educational, or cultural program; and (6) to refrain from broadcasting programs originating outside the country.

There is a danger that the indignation in some sources against Mr. Petrillo may blind many people to the far more serious dangers inherent in the remedy which this bill would invoke. The bill, for example, does not outlaw merely the use of force or violence as a means of securing certain objectives from the radio station. If it were so limited there would obviously be no need for the bill, since such tactics would constitute a clear violation of State laws regardless of the objective. The bill prohibits "intimidation," "duress," and even more broadly, "the use of other means."

This type of language is broad enough to cover literally anything which might be done and which the station licensee would prefer not to have done. It would include, for example, the "threat" to make a speech, issue a pamphlet, or otherwise publicize the facts as to a disagreement with the station licensee. It would include the "threat" of an individual to quit his job. It could include the threat of anything which would displease the station owner and therefore might lead him to make a different decision. It is quite clear that such a sweeping prohibition could not stand the test of constitutionality both for reasons of interference with rights of speech and press and also for reasons of vagueness and indefiniteness.

This criticism is applicable regardless of whether one approves or disapproves the six types of demands which the bill says may not be made on station owners. Prohibitions of such a sweeping character, to which is attached criminal penalties of 1 year imprisonment and \$5,000 fine, are substantially without precedent in law and extremely dangerous both as a matter of policy and as a matter of constitutionality.

In addition, apart from the wide scope of the activity outlawed, the definitions of the six prohibited objectives are open to serious criticism. For example, it is to be made unlawful to seek by any means to compel the station owner to hire more employees than are "wanted" by the station owner. Thus, if the owner insists on piling great burdens of work on one or a small number of its technical or maintenance or other category of employees, the employees involved would be prohibited from seeking to induce the owner to lighten their burden of work by increasing the size of their crew. Where it is the contention of any group of employees that health and safety conditions are such as to require additional employees, they would be forbidden to press the issue with the employer radio station.

This result is an outrageous restriction on undeniable rights of radio station employees. There is an element of dangerous subterfuge in the attempt to put it through in the heat of indignation supposedly addressed to the activities of a single individual.

It is interesting also to consider the implications of prohibitions (5) and (6) as outlined above. These are prohibitions on efforts to constrain the station to refrain from broadcasting certain types of programs. It is a notorious fact that advertising sponsors of radio programs have on innumerable occasions threatened to cancel their programs or to refrain in the future from sponsoring programs with a particular station as a means of compelling that station to remove from the air programs favorable to labor organizations or other causes upon which these advertisers look with disfavor. If the sponsors of this bill were seriously concerned about the problem of interference with the full freedom of the air, one would normally have expected some attention to have been paid to activities of this type among advertisers. If, on the other hand, it is regarded as a basic right of an advertiser to give or withhold his patronage from a station, dependent on the content of the programs broadcast by that station, then there is clearly a similar right on the part of employees or musicians to give or withhold their services and talents on the same condition.

The general objective of the bill is one which must be fully understood. In substance it would declare that there are certain demands which no group of radio station employees may make on their employer. The demands are ones as to which there may be varying judgments. Certainly under appropriate circumstances they are demands which may be and are reasonably related to the maintenance of decent and safe working conditions and hours for employees. The bill, however, says that under no conditions may the demands be made.

On the other side of the picture, the bill does not attempt to regulate the employer's power over working conditions. If, for example, a law is to declare, as this one would, that efforts may not be made to have an employer hire more persons than he "wants," should there be a correlative provision that the radio station should not "compel" an employee to work longer hours than the employee "wants" or to carry a heavier burden of work than the employee "wants" or to work with a crew of fewer people than the employee "wants"? All of these are elements of the employment relationship and of terms and conditions of work which have always been regarded as the products of collective bargaining between the employer and his employees.

The suggestion of this bill is in substance that the Government shall step in and say that there are certain aspects of the terms and conditions of work as to which no demands may be made on a radio station. Not merely may no demands be made, but it would be a criminal offense to publicize the disagreement, to seek to convince the station's listeners of the merits of the employees' demand, to seek to convince the public of the merits, or to withdraw one's services from the station in protest against the conditions of employment.

The bill in its present form is limited to radio stations. The principles on which it is based are dangerous and unsupportable even as so limited. They are principles, however, which if accepted with respect to radio stations would create serious dangers for large numbers of other industries in America where similar problems arise.

Mr. COX. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I am quite convinced and I am sure you all are, that bad cases make bad laws, and we have that situation here. The Petrillo case is a bad case and is making bad law. I agree with what the gentleman from New York [Mr. MARCANTONIO] says with reference to the very broad provisions of

this intended legislation, which strikes at strikes and would make unlawful that which is now deemed innocent and lawful. Some time ago I wrote a letter to William Green, president of the American Federation of Labor, in which I said the following:

As a friend of labor, I have been greatly perturbed by the actions of James C. Petrillo. There is no doubt that the so-called juke box and record broadcasts have created very serious problems for American musicians. I am, however, of the opinion that the ill-advised actions of James C. Petrillo will, assuredly, not result in any solution of those problems.

The public is aroused against the ukase of Mr. Petrillo which bars members of the musician's union from making recordings. As Elmer Davis pointed out, the effect will be to cripple hundreds of small radio stations. These stations are rendering immeasurable service to the Nation, particularly in the war effort. Many cannot afford to hire musicians for their musical broadcasts, they must use recorded music. The juke boxes afford amusement to thousands who have no other way of listening to music. The taverns and restaurants that use them cannot afford to replace these juke boxes with a musician or musicians.

The cutting off from the air the 160 boys and girls of the National High School Orchestra from Interlochen, Mich., scheduled to broadcast over the National Broadcasting Co. was a most ill-advised act. It is actions of this sort that hurt the cause of labor and make it most embarrassing for the friends of labor.

There must be some path out of the difficulty. The following has been suggested: Some way should be found to distribute royalties so that orchestra members get more for records which make money for their owners than they get for those which merely entertain a household.

I am for the American Federation of Musicians. I want to help them. Just as strong-arm methods will not help musicians, so strong-arm laws will not help the public. Musicians are getting a raw deal through canned music. They should get their due but their reward is meager. They are entitled to a fair and square deal. They are not getting it. This bill will not give it to them.

Now, listen to this:

Members of the American Federation of Musicians received \$3,000,000 annually for making "canned" music. This \$3,000,000 worth of "canned" music, when distributed around the United States and Canada, takes the place of live musicians who would receive for their work approximately \$100,000,000. Certainly no one can say this is a healthy condition.

I admit that new appliances and new gadgets do force employees out of employment. When the Frigidaire was invented the iceman lost his job, but the iceman or other men displaced do not create the instrumentality that destroys them. Ordinarily, the displaced worker has nothing to do with the new invention that ousted him. Here you have the anomalous situation where a musician makes records which put the musician out of business. Continuance of such a policy means eventually suicide for musicians. There should be a way out, and this Congress with its ingenuity and wisdom should be able to hold out a helping hand to these musicians and not slash and smash them with a bill as Draconian and as drastic as this bill is. Why should we not provide that where

a record is used for a household, one cost, one premium shall be paid, but where the record is replayed unlimitedly and has the result of putting out of business the very man who created the record, where the record is played hundreds of times and tends toward unemployment of the makers of the records, then in the first instance the royalty should be increased, and every time there is a replaying of that record there should be another royalty, or additional royalties, paid to those who originate the record. If the record is originated by a musician or by a singer or a pianist or a violinist or by a group of men forming an orchestra, there should be proper reward and appropriate fees or royalties. If there were that kind of sensible and logical approach, I do not think we would have this difficulty we are in today, where, in order to smash one evil—and what Petrillo has been doing is evil, beyond peradventure of doubt—I cannot defend him, although I am a friend of labor—we set up a train of evils. By this bill we set up dangerous precedents. All employees, not only musicians of the radio stations and broadcasting systems are hurt and their right to collective bargaining and their right to strike are impaired. That is why I am against this bill. We have heard much disparagement of the Federation of American Musicians. Those statements castigating them are unfair and unjust. These musicians played for United States bond drives all over the country. They played for Red Cross contributions unstintingly. They organized drives for the benefit of all the armed services. They sacrificed as much for the war effort as any organization of employers or employees.

What the musicians face is a difficult technological problem similar to those that have been faced by workers in many other industries. It cannot be solved by Mr. Petrillo's methods. It cannot be solved by the pending bill. It can only be solved by just collective bargaining and partly by painful readjustment and partly by an intelligent method of imposition of royalties for records and fair distribution of such royalties.

The SPEAKER. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend in the body of the RECORD, before the vote was taken on the school-lunch bill, some telegrams and communications.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. MICHENER. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. BROWN].

The SPEAKER. The gentleman from Ohio is recognized for 11 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this rule makes in order H. R. 5117—a bill which is specifically designed for the purpose of putting in his place and the cutting down to his size a man by the name of James Caesar Petrillo. We might as well understand the issue right here and right now.

This bill was reported by the Committee on Interstate and Foreign Commerce of the House after careful study and consideration of a measure by Senator VANDENBERG, of Michigan, which had passed the Senate. As we held our hearings on this bill so many different groups came in to complain about other activities of this man named Petrillo that the committee decided the only fair and right thing to do was to rewrite this bill and put teeth into it, and once and for all take care of Mr. Petrillo—James Caesar Petrillo, the man who told the President of the United States to go to hell and who told the Congress of the United States that it, too, could go to hell. Now, I may go some day—I am not sure—but it will not be because James Caesar Petrillo controls or owns my body and soul—and I hope he does not control sufficient votes on this floor to defeat this bill.

This bill is very simple in what it does. It simply fixes by law what shall be considered legal and what shall be considered illegal in the operation of the great broadcasting industry here in America; and, remember, the Congress of the United States licenses every broadcasting station. We control the air, we grant monopolies to those who operate these broadcasting stations; and we set forth in this bill the definition of practices in the broadcasting industry which shall be, and are, declared illegal. And then we say this:

"It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel, or constrain a licensee" to do something that is declared illegal; and that any individuals who attempt to compel any such illegal action shall in turn be charged with an illegal activity themselves, and shall be held responsible therefor.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. No, not just now; I will yield in a moment.

Why, of course, the argument is being made here, and will be made by the gentleman from New York and, I am afraid, perhaps by some gentleman from our side of the aisle, that we are taking a broad step, and that we are actually putting a criminal penalty on strikes. We are not. We are interfering by this means and method only with a strike called to compel someone to do something that is declared illegal. What do I mean by that? Let us take a perfect illustration, if you please. Let us say the waiters down here in the House restaurant are organized and join a union. Of course they would have the right to strike for any legal purpose; of course they would have the right to strike for higher wages or better working conditions, or for any other reason that we all recognize as a legitimate cause to strike. But suppose they told the restaurant manager they were going to strike unless he furnished them with narcotics every day. It is illegal, of course, to have narcotics in one's possession. Then I say to you that we would



have the right to say that such a strike was illegal and could not be called for that purpose, and that those who were responsible therefor should be punished.

I know there will be an attempt made to weaken this bill, to take the teeth out of it, and to put in some little amendments which would in effect say to him: "Caesar, old boy, if you persist in these things we are going to give you a very, very gentle slap on the wrist by taking away the right of your organization to represent these musicians in negotiating with this or that radio station." Then, of course, Caesar will form an independent union, or will go over and join the CIO, and he will represent them just the same.

I wonder what you know about Caesar Petrillo? I say to you that Caesar Petrillo is the greatest enemy organized labor has in America. Not a single member of organized labor I know of has appeared before our committee or has written letters or sent communications in support of Mr. Petrillo in this matter. There was not a single communication received, not a single witness appearing before our committee, to in any way sponsor, advocate, or even excuse that which Mr. Petrillo has done. Mr. Petrillo writes his own bylaws and his own constitution. He levies his own tributes as he sees fit. He says it is to take care of the musicians. Everybody wants the musicians taken care of, but we have more employed musicians in the United States today than at any time in the Nation's history. We have helped the employment of musicians, not harmed it. Musicians of today are paid greater wages and greater salaries than ever before. All bands love to get on the radio because they get huge pay for broadcasting, and even more as a result of the advertising they receive. They are paid huge sums of money, thousands and thousands of dollars, if you please, for the making of a single recording. So, actually, they are well compensated. It is simply an excuse, a cloak they wrap around themselves in sanctimony, when they say, "You are injuring labor if you vote for this bill."

If you vote for the pending bill you will not only be putting a stop to the activities of James Caesar Petrillo—that man's disregard for government and for lawful control—but you will be doing the greatest service for organized labor that you can possibly render.

What does Petrillo do? Here are some of the things he does, and I would like to mention two or three. You have heard the story of Interlochen. I would like to tell you about something which happened in my own State this last week. I happen to belong to the Shrine down at Cincinnati, the playground of Masonry. The Shrine, by the way, has championed a crippled children's fund, and has supported or operated hospital service for crippled children in many large cities of America. They also raise funds to take care of crippled children in local hospitals. We have done that in Cincinnati for many, many years. They have organized a little band that play musettes, something which sounds like blowing on a paper and comb. They are not profes-

sional musicians. They do not compete professionally or otherwise with anybody. They dress up in their baggy uniforms and go out at noon or in the evening and pretend to play a little music, and pass out bills advertising the circus or entertainment they are having there this week to raise funds for the crippled children of Cincinnati.

What happened? The radio stations gave the Shrine time on the air last week to advertise this circus that was coming to raise funds for this charity, and it is a very good charity they have been sponsoring. Mr. Petrillo sent word down that there should be no music played over any of these radios in the future by his musicians unless that Shrine band and the whole program was wiped off the boards. So the Shrine and the crippled children fund in Cincinnati can go jump in the lake so far as Caesar is concerned. And Caesar made it stick.

Let us go back to last spring when we had a national drive on to sell war bonds. There were some Spars down here at the local barracks who had given a home-talent play a short time earlier, and they conceived the idea of going to one of the downtown theaters and repeating their play for the benefit of the public. The only admission was to be the purchase of war bonds. The Earl Theater management gave them the use of the theater free of charge. The girls put on the home-talent play. They had their own little Spar talent orchestra which furnished the music for the play. The next week James Caesar Petrillo comes in and demanded a tribute of \$2,800, or of some such large sum, because those girls played there in order to help their Government and their country sell its bonds in time of war.

Let us go further. Let us go down to Fredericksburg, Va., for just a little while and turn our minds back to the last Memorial Day services down there at the great national cemetery where thousands of men who wore the Blue and the Gray lie buried side by side, where thousands of veterans of the Spanish-American War, and of World War I and of our recent wars lie buried. They had a national memorial service there last Memorial Day for all the honored dead of this Nation that we stand up here in the well of the House and pay tribute to so often. I wonder how we will vote on this measure. What happened? James Caesar Petrillo refused to permit those services to be broadcast because the United States Army Band took part in the services, and was not a union band, and, of course, was not paying tribute to him.

Oh, I say to you, it is about time that some of us find out for ourselves whether we are men or boys.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. COX. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. BROWN of Ohio. Mr. Speaker, I say that the time has come for us to stand up and decide for ourselves whether the air of America that we control, if you please—the use of which we dispense as a Congress, because we do control the use of it—is to be free for all Americans, for our school children, for

the great musicians of this and other nations, for the United States Army Band, for the Marine Band, for the Navy Band, for the music played for charity, or in the name of the Father as a part of religious services, can be broadcast without some tribute being paid to a man named James Caesar Petrillo who sets himself above the law and above the Nation which is giving him shelter. That is the question we must pass upon today.

I ask you, and I beg of you, do not be misled by any platitudes that may be expressed here or by any lip services which may be rendered in the name of labor, because James Caesar Petrillo is the most dangerous enemy that organized labor has ever had here in America. I say to you, now is the time to give the answer as to whether James Caesar Petrillo really can make it stick when he tells Congress, as well as the President of the United States, where they can go.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New York.

Mr. MARCANTONIO. I have listened to the gentleman very attentively and I cannot help but come to the conclusion that the gentleman's main emphasis is on the fact that Mr. Petrillo's middle name happens to be Caesar.

Mr. BROWN of Ohio. And he lives up to that name in every sense of the word; and here in America we have no place for Caesars, anywhere, at any time.

Mr. COX. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the public expects of us that we bring truth and honesty to bear upon all public problems with which we deal and that we maintain a high order of political morality. We are admonished to remember that we are the servants of the people and not the cringing minions of the racketeers. We are admonished to subordinate selfish interests to our moral obligations to government, and that we not permit the altars of freedom erected by the fathers to be torn down and the free spirit of mankind utterly destroyed; that the flag that floats above the Speaker's head, studded with stars of glory, be kept the flag of the free and the brave. Mr. Speaker, the measure of life is not length but honesty.

The bill which the pending rule makes in order gives the Members of this House an opportunity to squash a racket from which the public has suffered for too long.

Mr. Speaker, I move the previous question on the pending resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. BULWINKLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5117) to amend title V of the Communications Act of 1934 so as to prohibit certain coercive practices affecting radio broadcasting.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill H. R. 5117, with Mr. CLARK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BULWINKLE. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. LEA] the chairman of the committee.

Mr. LEA. Mr. Chairman, the Committee on Interstate and Foreign Commerce is by the rules of this House given jurisdiction over broadcasting legislation for this Nation. Broadcasting is one of the greatest industries of our country. It particularly belongs to the people of the United States. It is an implement of free speech, of education, of news, and of inspiration to the American people. It is of primary importance that those engaged in this business shall have an untrammelled opportunity to serve the people of this Nation in the great opportunity they have for its benefit as well as inspiration.

The bill before us was reported by the Committee on Interstate and Foreign Commerce. It is confined entirely to the broadcasting industry. Its provisions are entirely within the jurisdiction of this committee. It is aimed to put an end to the racketeering tyranny that has prevailed over the broadcasting industry in recent years.

At the very beginning I call your attention to the fact that this bill is directed only against extortionist demands which are enforced or attempted to be enforced by coercive methods. Nothing is prohibited in this bill unless it is founded on coercive methods as a demand upon the broadcasting industry.

This bill also provides that it shall not be construed as denying to anyone the right to enforce any legal obligation against the broadcaster, whether that obligation be created by contract or whether it exists as a matter of law. There is nothing in this bill which prevents anybody from making a contract with the broadcaster to pay any amount for any purpose that he wants. So the talk here that we are preventing somebody from asking something has no foundation so far as this bill is concerned. It is prohibited only when it assumes that coercive quality of compulsion.

May I hastily recite some of these demands that have been made upon the broadcasting industry. I will enumerate a few of them.

Demands requiring the hiring of employees in excess of those necessary.

Demands for payment for services more than once performed after those services have been fully paid for.

To refrain from broadcasting noncompensated, noncommercial, or educational broadcasts.

That is what the gentleman from Michigan [Mr. DONDERO] was explaining to the House a while ago. In connection with that, may I say that the gentleman from Ohio [Mr. BROWN] made a splendid exposition of the fundamentals involved in this bill. I would say from my own standpoint that I hope the House will not listen to the specious pleas made here today to take the teeth out of this legislation for, so far as I am concerned, I

do not want the American people to feel that Congress is engaged in shadow boxing here today or that through futile action we are willing to play the game with Mr. Petrillo.

Without going further so far as these general demands are concerned I want to talk about some specific instances. In 1943 there was a great controversy about transcriptions in connection with broadcasting. A final arrangement was made on the demand of Petrillo that the recording and transcription companies should be required to pay a tribute for every transcription used, whether on a phonograph record or an electrical transcription used in broadcasting to the country.

That was during the war. The President of the United States asked that Petrillo withdraw that ban in aid of the war effort. He refused.

He made a statement to his organization to the effect that during the war they would not make so much money out of it. He estimated, as I recall, that they would receive three or four million dollars a year out of his ban on transcriptions. You will understand that these transcriptions were owned by the companies making them, and the musicians had no ownership or interest whatever in them. The recording companies yielded to a plan under which a contribution would be made by these recording companies for every transcription they prepared. Mr. Petrillo reported to his organization in a national convention that if these companies were permitted—speaking about the better situation they would be in after the war was over—"if these companies were permitted to increase the price of records anywhere from 5 to 10 cents each, then the federation would probably receive in the neighborhood of from fifteen to twenty million dollars a year." That was to be just graft. Now, that is only a part of what is involved.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. ROBSION of Kentucky. Mr. Petrillo writes his own constitution and bylaws?

Mr. LEA. He does.

Mr. ROBSION of Kentucky. Then they have a system whereby a minority may control, is that correct?

Mr. LEA. Yes.

Mr. ROBSION of Kentucky. Then, again, at his own will, he can also raise the price of these records, or whatever this tax is, you speak about, and that goes to Petrillo and his organization?

Mr. LEA. Yes. He accomplished that power after he had nearly broke up a number of these transcribing companies.

Mr. ROBSION of Kentucky. To whom does the fifteen or twenty million dollars go?

Mr. LEA. That is paid to the union. It is not paid to the musicians.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. HOLIFIELD. I will ask my colleague to explain to me the meaning of the language in line 7 on page 2 of the bill. I refer particularly to the point of employees wanted by such licensees. It

seems to me that that leaves it absolutely up to the broadcaster to say, "I will take only six employees," when perhaps he actually needs eight. I notice further down a provision whereby they are supposed to pay for duties which are performed, which I think is the object to be achieved.

Mr. LEA. Yes.

Mr. HOLIFIELD. I am wondering if the language wanted by such licensee is not so loose as to enable the broadcaster to work an adjustment.

Mr. LEA. No, because that is tied up with coercion. If they use coercive methods to induce the employment of men he does not want, that would be against this bill. It is entirely different from the ordinary strike about working conditions. If a union wanted to strike because of working conditions or a hardship that comes to any particular member, it has a right to strike on that ground.

Mr. RABIN. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. RABIN. I am sorry I missed your point. Did you say the \$20,000,000 was arrived at, at 5 cents per record?

Mr. LEA. No. I was quoting Mr. Petrillo, who estimated between fifteen and twenty million dollars a year would be paid to the union on account of the imposition of that tax on transcriptions after the war is over.

Another demand recently made was for double orchestras. The demand was made on broadcasting companies who broadcast through two outlets at the same time, which would be the case in FM broadcasting and ordinary broadcasting. They would be compelled to have two sets of orchestras. One of the big networks has an orchestra of 95 members. So that at the present time, in order to put on the music by that orchestra the broadcaster must employ 190 musicians for such a broadcast. The extra orchestra is absolutely worthless and would not be used.

In this connection Mr. Petrillo wrote the networks in 1945 as follows, as illustrating his methods:

This is to advise you that after the meeting between your company and the American Federation of Musicians, held in my office, the matter was further discussed, and we came to the final conclusion that beginning Monday, October 29, 1945, whenever musicians play for FM broadcasting and AM broadcasting simultaneously the same number of men must be employed for FM broadcasting as are employed for AM broadcasting, which means a double crew must be employed.

Kindly govern yourselves accordingly.

That is the edict. That is what the broadcasting industry of the United States has been compelled to do.

Another demand was made upon the small broadcasters of the country. There are 411 of them that have no live orchestras. Under date of December 13, Mr. Petrillo addressed the networks—that is usually the way he operates—and he stated as follows:

On investigation, we find that 275 network-affiliated radio stations which receive network programs employ live musicians in their studios. However, there are 411 network-affiliated radio stations which receive



network programs but do not employ any live musicians in their studios. They should employ live musicians if they are to continue to receive network programs.

And so Mr. Petrillo's edict puts that requirement into operation.

Here is a list of these 411 local broadcasting stations that would be subjected to this demand, located all over the country, that must yield if he is successful in carrying out that demand.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. DONDERO. In addition to that, the report made by Mr. Petrillo was that he not only took the noncommercial and nonprofit orchestra off the air at Interlochen but in every high school of the United States there was no such thing as a high-school band or high-school orchestra permitted to broadcast after 1943.

Mr. LEA. Yes. I have a report here of an affair that took place in Milwaukee. The Catholic Knights gave a Christmas party in the auditorium for 3,000 children and parents. A musical program had been planned with some of the children playing, but at the last minute around came the musicians' union and said that there would be a picket line against the party and the performance of the children unless an 11-piece union orchestra was called in. So to avoid a rumpus the manager of the party hired an 11-man union orchestra for \$84, although none was wanted.

Now I call your attention to the moral quality of these demands. As I see it, these demands have the moral quality of extortion and racketeering, and no platitudes can conceal that fact. They are demands of a criminal class. A self-respecting nation cannot afford to treat them otherwise.

Suggestions will be made here that this penalty is too severe—a misdemeanor, at most only one year in jail and not exceeding a thousand dollar fine left entirely to the discretion of the judge to make it as low as he pleases. The judge has the duty to fix the penalty to suit the crime.

I do not see how we can with self-respect afford to proceed by a feather-duster method in meeting this situation. These practices are vicious. I think it would be a disgrace to the Congress of the United States if today we take such action as to justify the Nation in believing that we so lack a sense of duty of moral resentment of such conduct that we fail to prescribe a penalty proportionate to the offense involved in these demands.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. ROBSION of Kentucky. Recently we had under consideration what was known as the Hobbs bill, which undertook to correct a situation where farmers and other truckers going into the city of New York were met at the Holland tunnel and forced to hire union drivers at the rate of \$8-plus for a small truck and \$9-plus for a large truck, being subjected to all sorts of violence if they refused to. What is the difference in principle be-

tween the policy followed by James Caesar Petrillo and these fellows in New York?

Mr. LEA. I think the moral quality is the same. In addition to that, the other day in the Case bill we placed several restrictions on the right to strike.

I believe the fundamental principle underlying this question of the right to strike is that a strike is legal and should be so, when it is for lawful purposes carried on by lawful means. That is a perfectly safe, sane, and just thing, but this idea of saying that Congress is powerless to prescribe a rule that prevents a strike being carried on for the purpose of committing a crime it seems to me is just absolutely without foundation in our Constitution or in our law. A crime is no less a crime because it may be committed by an organized group.

Mr. ROBSION of Kentucky. But if I have understood this bill correctly it does not apply at all unless there is coercion and extortion united.

Mr. LEA. That is right. There must be coercion and for the unlawful purpose declared in this bill.

Mr. ROBSION of Kentucky. Those two things are illegal acts.

Mr. LEA. Mr. Chairman, in order that our Members may have a clear understanding as to the legal foundation of this bill I present an excerpt from the report on this bill. This particular quotation is from the sectional analysis of the bill written by the legislative counsel of the House. It is as follows:

It has been necessary to use the broad language "or by the use or express or implied threat of the use of other means" in order to make the legislation effective. It was necessary to use language broad enough to embrace actual or threatened boycotts and actual or threatened strikes, because these, as well as action or threatened action of like character, could well be among the means by which the coercion, compulsion, or constraint prohibited by the bill may be accomplished or attempted to be accomplished. If the language were not this broad the legislation would fail to accomplish its purpose.

This subsection does not prohibit the right to strike or to withhold services, or force individuals to work against their will or desire. It will place no limitation whatever on the use of strikes for the accomplishment of legitimate objectives, such as wage increases or better working conditions. The subsection does not prohibit strikes as such. What it does do is to prohibit the accomplishment, by actual or attempted coercion, compulsion, or constraint, of certain unconscionable and wrongful objectives, regardless of the means used. A strike or threat of a strike is one method by which it is possible to exert or attempt to exert such coercion, compulsion or constraint, and, if it is the method used, the wrongful character of the offense is the same as though other means had been used.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL of Michigan. Mr. Chairman, many arguments have been advanced today as to why this bill should become law. I have no desire to repeat these arguments. The National Music Camp at Interlochen is in my district and I am a member of the advisory board. It is a nonprofit corporation, organized

under the laws of the State of Michigan. All property it may own at the time of the dissolution of the corporation will revert to the State of Michigan under the terms of its charter. Interlochen is in Grand Traverse County.

In 1882 my father purchased a small piece of timberland from the Grand Rapids & Indiana Railroad and in 1899 he moved his family to that county. Interlochen lies between two beautiful lakes, Wahbakaness and Wahbekanetta. I recall some 40 years ago as a boy, riding a sleigh load of logs that my father hauled to the shores of Lake Wahbakaness, for a stove factory on the other side. Interlochen then was a small country village which was occupied mostly by workers from this small factory. Wahbakaness, or Duck Lake, as we then called it, was the recreation ground for the farmers in the nearby area.

I fished these lakes as a boy, caught bass, pike, and other fish, not to speak of the frogging we did from its shores. The beautiful bathing beach was our old swimming hole. Naturally I hold the place close to my heart and shall as long as I live.

In 1919 and 1921 the Michigan State Legislature purchased what we were then told was the last stand of northern pine in the State. A half section of pine which has since been a State park. Adjoining this park is the National Music Camp. Time will not permit going into details or history. For 19 years that music camp has attracted the most talented young musicians as well as some of the most outstanding band and orchestra leaders of America. Some years ago I had the privilege of hearing this student band play the Northern Pines March, while being directed by the great band leader, John Philip Sousa. The march was inspired by the great pine forest at the camp. The proceeds from the sale of this march are used for scholarships at the camp. High-school boys and girls from 44 States and 3 foreign countries came to Interlochen last summer. I have seen 16-year-old boys conducting the orchestra of 200 pieces while it played his own compositions.

Dr. Maddy, of the University of Michigan, is president of the camp. His genius, driving ability, and courage made this camp possible. A 17-year-old boy came to Dr. Maddy last summer and asked whether he might make a record of a symphony he had composed. Dr. Maddy told him to select an orchestra of 75 pieces from among the students, rehearse the piece, and make the record. That 17-year-old boy organized the orchestra, with the help of instructors, wrote the several parts, and rehearsed the orchestra. I had the privilege of sitting in the bowl one Sunday afternoon as he directed that 75-piece orchestra while it played and made a record of this symphony to send home to his parents.

No one can see this group of young Americans work there without being inspired and without feeling that some undiscovered genius is in that group of young musicians. Some Bach, Verdi, Beethoven, or some other great genius some day will be found through the work at Interlochen. It exemplifies unselfish

music as distinguished from the hard-boiled commercial type of music which we hear so much of.

It is rather difficult for me to understand how James Caesar Petrillo, the head of the National Musicians' Union, was not attracted to that camp. What a wonderful opportunity to do work and educate young America to the need of organization among those men and women who make a living by playing some musical instrument.

I have heard music from Interlochen, as have millions of others, while sitting peacefully in my back-lawn chair. I have heard those boys and girls play while driving 60 miles an hour over the highway a thousand miles away. Suddenly something happened. The music of these boys and girls stopped coming over the air. James Caesar Petrillo had issued his royal edict that those boys and girls could broadcast no longer on network programs. James Caesar Petrillo had issued his royal edict that 140,000,000 Americans like myself could no longer listen to this music coming over the air which God gave us, but which this czar now controlled.

Year after year since then hundreds of young boys and girls have left Interlochen resentful. Last summer when I spoke to them they hissed and hooted the name of Petrillo—hating organized labor for what one man had done. Newspaper after newspaper, magazine after magazine wrote the story and commented on it editorially. Clubs of all kinds passed resolutions. All America was and is aroused at the power of this one man to control the air. Petrillo sat unperturbed and kept repeating, "They shall not play over the air," and they did not play over the air. Nothing since that original edict was issued by this czar has done more to prejudice the people of America against organized labor. The attitude of this one man has done much to bring about antilabor legislation during recent months and weeks. I again wish to say that I have no desire to repeat the many arguments which will convince any fair-minded persons that Petrilloism has no place in America. It has no place in organized labor. The right of young America to send its music over the air—the right of 140,000,000 Americans to hear that music over the air—is as much a God-given right as is the right to breathe the air over which that music is sent. I shall vote for this bill and ask every Member of Congress to put his and her stamp of disapproval on Petrilloism in America by doing likewise.

Mr. BULWINKLE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, in view of the attacks, criticism, and adverse publicity, skillfully promoted by highly paid public relations experts, given in recent years to James C. Petrillo, I fully appreciate that nothing I may say here this morning can prevent the passage of this, to my mind, far-reaching bill. It seems obvious that this bill is not designed to prevent any real or fancied abuses on the part of James C. Petrillo and the American Musicians Federation, but to hamstring, weaken, and, if possible, destroy organized labor, and to set a pattern for

restrictive legislation in the future which will apply, not to the broadcasting industry alone, but to all industry.

In the few minutes I have been able to obtain, I have no way of disproving the far-fetched statements that have been made here, but even if the accusations are true, two wrongs do not make a right.

This bill makes unlawful almost any act which Petrillo and his musicians' union may perform in defense of their status. Anyone who reads the bill must come to that conclusion. So that Members in the future may not excuse themselves by saying they did not know what the bill contained, I here insert the provisions of the bill and make them part of my remarks. Under these restrictions, about the only thing Petrillo will be allowed to do, I think, is breathe, because the bill states:

(b) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel, or constrain a licensee or any other person—

(1) to pay or agree to pay tribute for the privilege of, or on account of, producing, preparing, manufacturing, selling, buying, renting, operating, using, or maintaining recordings, transcriptions, or mechanical, chemical, or electrical reproductions, or any other articles, equipment, machines, or materials, used or intended to be used in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

(2) to accede to or impose any restrictions upon such production, preparation, manufacture, sale, purchase, rental, operation, use, or maintenance, if such restriction is for the purpose of preventing or limiting the use of such articles, equipment, machines, or materials in broadcasting; or

(3) to pay or agree to pay tribute on account of the broadcasting, by means of recordings or transcriptions, of a program previously broadcast, payment having been made, or agreed to be made, for the services actually rendered in the performance of such program.

Then should Petrillo, or an agent of this union or of any other union having a contract or seeking a contract, be charged with violation of the act and found guilty, he may be punished by imprisonment for not more than 1 year or fined not to exceed \$1,000, or both. Of course, this bill does not go as far as the Senate bill which provided the violation of any of these provisions should be judged a felony and carry a penalty of a \$5,000 fine and 2 years' imprisonment.

Furthermore, Mr. Chairman, under section (b) (2) not only Petrillo or an agent for a union, but a manufacturer or performer or selling agent will be subject to the same restrictions and penalties. Under this provision, even if a contract has been legitimately entered into, and a competitor refuses to do likewise, the door is opened to institution of proceedings which could be made a source of persecution and harassment of a business establishment to create a most unfair trade advantage. In other words, we are legislating recklessly here not only against Petrillo and the musicians and other unions, but against reputable and legitimate manufacturers.

I fully appreciate, too, Mr. Chairman, that the musicians' union has been a

sharp thorn to the broadcasting companies. I have no quarrel with the broadcasting companies; they have rendered, and are rendering, a great service to the Nation and to the world; but they, too, are private corporations, organized on a commercial basis for profit. Their aim is to obtain personal services of their employees at as low a rate as possible. I am not here to deny, and I cannot and will not deny, that Petrillo has demanded and insisted that a larger number of musicians should be employed. The development of radio, of "canned" music—electrical transcriptions, juke boxes, phonographs, and multiple transmission of recorded music—deprived thousands of talented musicians of an opportunity to earn a decent living by using the gifts nature made to them. Every Member here can remember when the smallest moving picture theater had an orchestra of some kind in the pit. New moving picture theaters are built without an orchestra pit. Every movie has the music and the film canned. I have no doubt but that there are thousands of children growing up who have never seen and heard a "live" orchestra.

Petrillo and the musicians' union, very naturally, wanted as much work for as many musicians as possible. Even musicians have to eat, just like Members of Congress, or broadcasters. Under the system inaugurated by the broadcasters, the future of musicians was becoming very uncertain. It looked as if we would have a generation of Americans in which there were no musicians except those wealthy and talented few who could reach the name bands and the big broadcast shows. Perhaps Petrillo and the musicians unions went too far in their demands; but at least they saved America from being without a musical culture, and they created jobs for thousands of talented entertainers who had no aptitude for any other way of earning their daily bread.

Remember, too, Mr. Speaker, you do not read of many bankrupt radio stations. Music forms the very basis of the great commercial programs. Without music there would be none of these big shows with millions upon millions of listeners. Those are, with only minor exceptions, commercial programs, advertising commercial products, by companies which are certainly solvent. The advertising is enormously profitable to the advertisers and to the broadcasting companies. That the profit is great is borne out by the great price placed on stations in those rare instances when they are offered for sale.

These great profits were not unknown to Mr. Petrillo and the members of his union. They felt, with justice, that the broadcasting companies were making thousands upon thousands from the musicians; a single broadcast by a handful of musicians may reach millions of listeners through a national hook-up. This bill is prompted by the self-interest of the broadcasting companies; its most ardent supporter cannot make it sound altruistic. If the musicians' union has gone too far in its demands, remember that the union was prompted by exactly the same kind of self-interest, plus the



fact that the union was trying to help human beings, most of them incapable of earning a decent living by any other avocation, to be self-respecting citizens earning more than a bare subsistence. It may surprise some of the gentlemen who have spoken on this bill to learn that the overwhelming majority of musicians are simple men who grow up, wear clothes, fall in love, marry, and raise families. There are few indeed who are ever known by name outside their immediate associates. There are two sides to every story, and we have heard only one side of this Petrillo story. I concede that passage of the bill is inevitable, and its passage will be a monument, not to the sense of justice of this Congress, but to the power of the press agents who have prepared the way.

It seems to me, Mr. Chairman, that this is a twin to the harsh and unwarranted Case bill that we passed a few weeks ago. In fact, they are twin bills, and I cannot understand how those who drafted the Case bill missed the opportunity of incorporating this measure in the other one.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Does not the gentleman understand that the gentleman about whom he is talking requires people wanting musicians to hire an extra number to stand by, as they call it, even though they are not there, even though they do not render any service?

Mr. SABATH. I do not subscribe to that, and I do not approve of it.

Mr. HOFFMAN. What is the gentleman's remedy for it?

Mr. SABATH. I feel that due to the criticism to which Mr. Petrillo has been subjected he is mending his ways, and that we may be able to get along, that he will realize that he is not doing any good to himself or to his musicians or to organized labor.

The greatest criticism leveled against Petrillo has been that he objected to broadcasting by Army, Navy, and Marine Bands, and by some school bands. Well, the Army, Navy, and Marine Bands are all paid by the Government; they are paid whether they are playing or not. But members of Mr. Petrillo's union are paid for playing only, so presumably he is justified in maintaining that people not dependent wholly on earnings should not deprive members of the union, who have no other earning power and can earn their livelihood only when employed, of the opportunity for the employment.

Congress has recognized that principle in the law forbidding any enlisted man of the Army, whether a noncommissioned officer, musician, or private, to leave his post for any reason that would place him in competition with civilians in the arts, trades, or professions—United States Code, title 10, sections 609, 905. The legal restrictions on the Navy and Marine Bands are not so stringent, but they are there.

I make these observations as they come to me, without having had an opportunity of examining the defenses offered by Mr. Petrillo or by other unions

in this field which surely will be affected by this drastic and unprecedented legislation in the field of private contracts, but I feel that even if all the charges made should be proved true the harsh provisions in this bill cannot be justified. The bill has been pressed to passage by those I know are opposed to organized labor—not just to possible abuses of the rights of organized labor—in the hope that in conjunction with the outrageous Case bill it will weaken the position of all labor organizations.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. REECE].

Mr. REECE of Tennessee. Mr. Chairman, it is almost universally admitted that the practices which this bill seeks to control are against public policy. If these practices are against public policy, then Congress not only has the right but the duty to enact legislation to prohibit them. If it has the right and the duty to enact legislation, then it has a corollary right and duty to impose penalties which would restrain violations. I do not believe that enacting such penalties violates the fundamental principles to which all of us adhere of giving freedom in the right to strike, as a general proposition. There was no one, as I recall, who came before our committee to justify these practices which this proposal seeks to restrain. I voted for the bill in committee and I plan to vote for it in the House without any restricting amendment.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, it is with deep concern that I rise at this time to say something about this bill. That concern arises out of the fear that my position and motives may be misinterpreted and misunderstood. However, I do not think I would be true to my convictions or my obligation as a Member of Congress if I did not say a few things in explanation of what I conceive this bill to be.

I think it is the obligation of members of committees to explain bills as they come before the Committee of the Whole for consideration. It has been my privilege for a number of years now to serve on the great Committee on Interstate and Foreign Commerce. What I say here is in discharge of what I conceive to be my obligation as a member of that committee and as a Member of Congress.

No one was more incensed or has been more incensed than I have been at the operations and conduct of Mr. Petrillo. I could add my chapter to that situation. Enough has been said about that, however, to convince about all of us, I am sure, that if we can within the Constitution and within the rules of justice and equity do something to restrain his activities that we should do so. I did my best as a member of the committee to develop facts upon which legislation might be based.

References have been made here to courage or lack of courage and dividing men from boys. I will stake my record on matters of that sort as they affect

questions of the kind here before us with that of any man in the House of Representatives.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. HOFFMAN. I agree with the gentleman that it takes more courage to oppose a majority than it does to go along; I know something about it.

Mr. HALLECK. I have done my part in attempting to bring about the enactment of so-called labor legislation which seemed to me to be necessary. But on every occasion I have sought, as far as it was in my power, to see to it that the result was completely defensible and fair when the legislation was finally adopted.

I am sorry that, as we have gone along in controversies of this sort, some of my good friends who are such self-professed friends of labor, and who yell "Wolf, wolf" all the time, would not save their fire, and would stick a little closer to the facts, because then, when something does come along about which they might make some contribution their words might carry a little more weight.

I think, in this matter, regardless of how we feel about Mr. Petrillo and his actions, we ought to legislate as we think and not as we feel.

Now, what about this bill? In the report, on page 6, beginning in the second paragraph, you will find there a definite statement from a majority of the committee reporting the bill:

It has been necessary to use the broad language "or by the use or express or implied threat of the use of other means" in order to make the legislation effective.

And that that language includes the strike power and the action of striking or threatening to strike. For the first time, so far as I know, there is a criminal penalty attached to the bill; a criminal penalty to be inflicted, as the report says, for the exercise of the right to strike.

I understand and recognize what the proponents say, that Congress can prohibit the right to strike for the accomplishment of an unlawful object. If that statement stands up, then you must be ready to say that the objective for which the men strike is a criminal act. Such conduct has never been declared to be criminal. Now how will this proposal apply?

Here is a radio station downtown that has an orchestra of 12 men. They belong to the American Federation of Musicians. That station wants to use some free orchestra to play, and demand is made that the station hire a stand-by orchestra, or pay a stand-by orchestra, if they use that orchestra that is to play free. The radio-station operator says, "I do not want to do that. I do not want that stand-by orchestra. I do not want to pay them."

Now, what does the union of musicians say? They say, "Well, if you do not pay a stand-by orchestra, we will not work for you." It is that sort of demand that comes under such strong condemnation.

The radio-station operator can refuse to pay the stand-by orchestra but he loses the services of the men who belong to the American Federation of Musicians.

Under this bill, if that demand were made, and then those 12 men went on

strike to enforce that demand, they would be liable to criminal prosecution under this act.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. COOLEY. Does the gentleman regard that transaction which he has just now narrated as legal or moral? By the use of force they extort money for rendering no service?

Mr. HALLECK. I will agree with you that that conduct is to be condemned, and I do condemn it, but let me ask the gentleman this question: If he is prepared to designate that type of conduct as criminal in all similar situations, is he prepared to designate it as criminal in connection with various operations throughout all our country where many of the same practices prevail?

Mr. COOLEY. I do not know of any practice similar to this involved in this transaction.

Mr. HALLECK. Of course, they do not have to do with broadcasting; and if the gentleman will let me proceed—he did not answer my question—but the fact of the matter is, as I have understood it, all through our economy there are circumstances and conditions and places where demands are made for the employment of people who are not needed and who in many instances perform no work, or that degree of work or kind of work that would include all of the time for which they are paid.

Now, do not misunderstand me. The gentleman asked me whether I condoned that sort of conduct on the part of Mr. Petrillo. I do not condone it, but granting that we do not condone it, the question arises, by what sort of penalty, by what sort of action will the Congress seek to restrain such conduct?

I understand also, and I think I ought to say here to keep the record straight, that the Committee on Interstate and Foreign Commerce did not have jurisdiction generally of the whole problem, had jurisdiction only of this particular matter of the broadcasting industry, and that the broadcasting industry does have certain unique features.

The proponents of this bill say that the outlined objectives should be declared to be criminal. Possibly the time is coming or is here when we will declare such to be criminal and that we will undertake to outline the objectives for which labor cannot strike, saying that those objectives are against the public interest, against public policy, and being so we declare them to be criminal and hence a refusal to work to accomplish those objectives shall subject the men who do it to a jail sentence. But my purpose in rising here is to have the membership know that that question is involved here. I think that is a fundamental issue involved in this legislation.

Reference was made to the Case bill. I voted for the Case bill; I made a number of speeches here in support of various parts of the Case bill. What was the pattern which was followed in the Case bill?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. HALLECK. Even in the force and violence section having to do with conduct that is criminal under the law now, we simply provided that the protection of the Federal statute should be withdrawn. Even with respect to jurisdictional strikes that were condemned by President Truman and many other people we said not that the men would be put in jail but that the protections of the various Federal statutes would be withdrawn from them.

The question was raised here as to what might be done, and it has been asked, What remedy would you suggest? In the committee I urged the adoption of a penalty clause taking out the criminal penalty and substituting for the criminal penalty the withdrawal of the protection of the Federal statutes given to these people, clearly a right that the Congress has. Whether or not you can find the constitutional authority for the legislation as it now stands everybody can solve for himself. I am frank to say that I have had a little difficulty here lately in the light of some of the decisions just what the Constitution does mean.

I propose to offer the amendment to which I have referred when the bill is read under the 5-minute rule. That would keep within the pattern heretofore established and within the Constitution, I am sure, and I am also sure that such a penalty would be a very effective deterrent to the conduct which so many of us seek to restrain.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. BULWINKLE. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I should like to say at the outset that I do not think there is any question with reference to the constitutionality of the legislation we are considering here today. I can very well appreciate the views of some of our good friends who have spoken. The gentleman who just preceded me has given you his viewpoint and I am sure that he is sincere in his convictions; but it is my opinion that if the Congress has any jurisdiction whatsoever over matters of policy it has the authority under the Constitution to determine what is against public policy and the best interests of this Nation. If this Congress has that authority certainly it has the right to approach it in some way in order to remedy the evils that now exist.

Mr. Chairman, I have not been a member of the Committee on Interstate and Foreign Commerce as long as some of the other gentlemen but I have been a member of that committee long enough to recognize that most any issue that comes before that committee receives judicious and careful consideration. This bill received such consideration.

What does it propose to do? You have heard the examples, Mr. Chairman, given by the gentleman from Michigan

and other gentlemen in reference to the activities of a certain man who calls himself the dictator and the president of the American Federation of Musicians. There is no doubt but what those practices are against public policy. There is no doubt but what those practices should be restrained.

This bill does exactly that. It meets the issue face to face, if you please, and says to Mr. Petrillo or to any one else who indulges in such acts that, "You shall not be permitted to continue to do so." I contend this act says it is unlawful to engage in such practices. Certainly we have on our statute books many laws which say it is unlawful to do certain things in this country and in those acts there is provided a specific penalty if the acts are violated.

Mr. Chairman, if we will limit our consideration to the specific offenses as outlined in this act you will, I believe, agree that we do have the authority to prevent them and there is no question as to constitutionality.

This legislation is needed to protect a vital and important industry and the public as well. It is preposterous to think of much less actually experience the existence of such dictatorial powers of the air waves of this country. It is incredible that any one person could control the cultural, religious, educational, or patriotic programs that go to the people. We cannot permit such practices to continue.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BULWINKLE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. RABIN].

Mr. RABIN. Mr. Chairman, I am a member of the Committee on Interstate and Foreign Commerce, and this is the first opportunity I have had to publicly express my appreciation for having been placed on that committee. I have a great deal of respect for the chairman of that committee and I have a great deal of respect for all of its members. It is a great opportunity to be on that committee, and for that reason I regret all the more that I am obliged to rise in opposition to the majority report.

At the outset, the report as written does not indicate that there were any members of that committee who opposed this bill, and in order that I may be on record I want to say that I do oppose the bill and I did not go along with the majority report.

Mr. Chairman, I do not come here to praise Caesar; on the other hand, I do not come here to bury the hard-won rights of labor, particularly the right of labor to strike. I have heard of the Case bill. I have heard of the Wagner bill. I have heard of the De Lacy bill, but this is called the Petrillo bill. He is not a Congressman. It is directed at Petrillo. That is one of the chief objections I find to this legislation. We are writing national legislation directed at a specific individual. We are writing legislation directed at a specific industry that perhaps affects all labor. I think it is wrong, in our attempt to reach Petrillo or to



reach a specific individual, to override all of the rights of labor.

I told a story in the committee on another occasion in connection with another matter that will bear repetition here. It is the story that Jimmy Durante tells about the fly that lit on his nose while he was dozing in the park. He did not mind that. Then another fly lit on his nose and he did not mind that. Then two or three dozen flies lit on his nose, and he did not even mind that. But when a bee lit on his nose and stung him he said, "Just for that—all off."

Now that is the kind of legislation we are writing; everybody off—not only Petrillo, but every musician, every man in the entire union. We override the rights of radio artists whose rights are placed in jeopardy, and we set a precedent that will override the hard-won rights of labor. What is wrong with this bill? In the first place, we are told that Petrillo is an autocrat and that he runs his union in an undemocratic way. This bill will not correct that, so that is not the issue at all. This bill seeks to correct certain abuses. I agree with the gentleman from Indiana [Mr. HALLECK], except I will go further: I do not have any doubt about this bill being unconstitutional. What does this bill do? Does it make certain practices a crime and does it provide that you may not strike to achieve those ends? It does not do that. It makes the very act of striking a crime, because if you will read with me on page 1, it provides:

It shall be unlawful—

And I will skip the words coercion, and so forth, because they are not conjunctive but disjunctive.

It shall be unlawful . . . by the use of other means—

And that refers to strikes. It shall be unlawful by the use of a strike to do certain things. Without a strike it is lawful to do those things under the terms of this bill. The union may sit around the table now and agree to receive a fraction of a cent per recording. It will be able to do that should this bill be passed.

What then do you do by this bill? You say if it attempts to strike to accomplish that end, then it shall be unlawful. It does not make the act a crime. It makes the very act of striking a crime, and that is why I am opposed to this bill. What else does this bill do? As I read it, it places in jeopardy the royalty of radio artists, because if a radio station broadcasts a program and that is transcribed, no royalty may be demanded under the threat of strike. But they could be paid if they sat around the table and worked out an arrangement for payment. If a broadcasting station refuses to pay them, and if these radio artists get together and demand that it be done under the threat of a strike, then it becomes unlawful for them even to ask for royalties.

Mr. BULWINKLE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, those of us who are opposing this bill are subjected to the same kind of attack that labor is always subjected to. We

are never confronted here in debate with the issues involved in the legislation, we are subjected to a smoke screen. We had a typical example of that when the gentleman from Ohio [Mr. BROWN] delivered his oration in support of this bill during consideration of the rule. The gentleman from Ohio orated not on the bill but against Mr. Petrillo, and made the issue what is not the issue contained in the bill; he made Petrillo the issue. Petrillo is not the issue before us, the bill is the issue before us.

I asked during the consideration of the rule that we deal with the bill, discuss the bill, and I appealed to the Members of the House to read the bill. The gentleman from Ohio waved the flag, he threw in religion, threw in the Shrine movement, threw in the Army and the Navy, the sale of war bonds, the Confederate Army and the Union Army, and then from behind that smoke screen he fired again and again at Caesar, Caesar, Caesar. Then he wound up with an impassioned plea by saying, "I am against Caesar." Then he asked you to vote for the bill.

He failed to tell you, however, that an analysis of the very things they seek to prohibit here in this bill will show that this bill is a bill to increase the profits of the monopolies that control the broadcasting industry. He spoke about freedom of the air. How much freedom of the air is there? There is just as much freedom as the radio-broadcasting monopolies will permit. The gentleman from Ohio did not ask you to save America from these Caesars.

Without casting any reflection on anybody supporting this bill, I think that when the history of this legislation is finally brought out into the light we will find that this legislation is legislation insisted upon not by the American public, not by these school children who play violins at charity affairs, but by the broadcasting monopolies who want to prohibit the average American musician from getting some share of the enormous profits that come out of these monopolies.

Nobody is defending Mr. Petrillo here. We know that he has the worst public relations of any man, and they use those worst public relations of his to rob—that is just what this bill does—to rob American musicians of a few dollars that they now receive from the real Caesars—the broadcasting companies.

This bill, incidentally, does not deal only with musicians. There are plenty of jokers in this bill. You take the engineers in the radio industry. Say you have four engineers working at a radio station, and they are being worked under pressure. The job requires, let us assume, six engineers. So the union in the broadcasting industry goes to the broadcasting company and says, "We want you to employ eight engineers." It is negotiation, legitimate labor negotiation. The broadcasting company says, "Nothing doing." The engineers in the industry say, "All right, if you do not employ eight we are going out on strike."

What do you do in this bill? You say, "You go out on strike"—and here is how you say it in the bill, "by the use of other means"—"You go out on strike or even threaten to go out on strike, or even if

you issue a leaflet calling for a strike, and you will be subject to indictment, prosecution, and jail."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BULWINKLE. Mr. Chairman, I yield two additional minutes to the gentleman from New York.

Mr. MARCANTONIO. Let us go a step further. What is all this about? This bill is the weapon of the broadcasting monopolies to prevent workers from continuing to receive a small share of the profits that come from this most profitable industry. Musicians say, "Here you are using the record, and as a result we are put out of work. When you use that record, we ask you to pay us a share of the tremendous profit that you are making by using that record. We produced it." What is immoral about it? What is racketeering about it? We have heard this talk about immorality and racketeering. I challenge you to explain what is immoral about it and what is racketeering about it. In this bill you say, first, it is against public policy, and then you say if you go out on strike and try to get a share of these profits that are being made from that recording, if you musicians attempt to protect your very existence, you say to them, "Try and do it—you are going to jail." Let us not talk about Shriners or the Confederate Army or the Union Army or about Caesar. Let us deal with the situation that arises as a result of this bill. Let me also say to the gentlemen who are supporting this bill that when men refuse to work—and that is what a strike is—when they refuse to work, you say to them, "We are going to put you in jail because you are refusing to work and because the companies will not accede to certain demands that we legalize here in this bill." So what are you doing? You are going back to involuntary servitude. Your bill is unconstitutional and it is immoral because you are taking dollars from American musicians and giving them to the big mighty corporations who are behind this bill 100 percent.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, if I were to take the floor at this time for my political health and well-being, I would rise and do my utmost to emulate the address made by the very distinguished gentleman from Ohio a few moments ago because I know perfectly well that the feeling, not only of the people of the country, but of the Congress, is running very high. However, I refuse to act in anger in a matter of this sort. I insist upon using as calm and as level judgment as I can muster. In the first place, when this matter was brought before my Committee on Interstate and Foreign Commerce a year ago, it was in connection with the bill introduced by the gentleman from Michigan [Mr. DONDERO]. The present bill goes far beyond the original bill upon which the hearings were held. The present bill was introduced this year in January, at least 7 or 8 months after the hearings were

held. There had been another bill introduced prior to that. I might call your attention to the fact that this bill does not affect only Mr. Petrillo and the members of musicians' union, it affects every employee of every broadcasting company or maker of transcriptions throughout the United States. If it were only to affect Mr. Petrillo personally and to permit high school students and other students to play not for compensation, but to have the free use of the airways without let or hindrance on the part of Mr. Petrillo or anybody else, I would be in favor of the bill, as I am in favor of the original Dondero bill.

I would like to call your attention to certain matters that have to do with the law and the consideration of the law. In the first place, the Clayton Act in section 20 is supposed to have exempted labor unions from the provisions of the Sherman antitrust law. It is contained in paragraph 17, title 15, United States Code. It reads:

The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

That says very simply, that a labor organization of itself is not a combination in restraint of trade, and the Sherman Act and the Clayton Act shall not forbid them from lawfully carrying out their legitimate objectives.

In the *Hutcheson* case, that matter came before the United States Supreme Court. A majority of the Court was represented by Mr. Justice Frankfurter in the opinion of the Court. On February 3, 1941, the following language was used in that opinion of the Court.

So long as a union acts in its self-interest and does not combine with nonlabor groups, the licit and the illicit under section 20 are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means.

That simply said, as I understand it, that anything a single union did with reference to its own interests was not deemed to be a violation of the Sherman antitrust laws.

The dissenting opinion of Mr. Justice Roberts which was concurred in by the Chief Justice, of course, did not hold. The dissenting opinion said, however:

In the light of this history, to attribute to Congress an intent to repeal legislation which has had a definite and well-understood scope and effect for decades past, by resurrecting a rejected construction of the Clayton Act and extending a policy strictly limited by the Congress itself in the Norris-LaGuardia Act, seems to me a usurpation by the courts of the Congress not only novel but fraught, as well, with the most serious dangers to our constitutional system of division of powers.

Mr. Chairman, the Members of this House know very well that any person who writes a piece of music or who writes a score for an operatic or other production, has copyrights and production rights in that score. He can say whether or not it shall be produced publicly and by whom and when, and what shall be the conditions in the production and all of the other things that go along with it.

The CHAIRMAN. The time of the gentleman from California [Mr. HINSHAW] has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman. I yield the gentleman two additional minutes.

Mr. HINSHAW. Any person who engages to produce one of these productions must follow the rules of the person who wrote it under his copyright and his privilege. Musicians produce something which is in the nature of art. It is sound waves that may be recorded and may go out over the air. That musician has the right to produce or not to produce those sound waves for the benefit of somebody else. If the musical sounds are going to be used in interstate commerce to be broadcast over the wave lengths of the entire United States, I would say that the musician has a right to say how that music shall be produced, when it shall be produced, and how much he shall receive for producing it—not only for the original production but for reproduction.

Mr. Petrillo has organized himself into a very strong monopoly, a combination in restraint of trade, in my humble opinion, and I am not in favor of the type of thing he is doing. He is not only head of a union but he is head of a radio music trust, and in my humble opinion he should be treated as such, and law enacted by this Congress to treat him as such should be presented. However, there is no possibility of my presenting any such legislation which could be used as a substitute for this bill and which would be germane as an amendment. I submit, however, that this matter is a matter for the Judiciary Committee of the House of Representatives to handle. It affects not only the principle of the broadcasting of music, but it does affect in a great many other ways other similar practices that exist in the United States. There are many other violations of what in this bill are considered sound principles that should be so considered and the subject should be treated by the Judiciary Committee of the House and not by the Committee on Interstate and Foreign Commerce.

Mr. BULWINKLE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I realize that this is a short time for me to speak on the bill. Much has been said here of Mr. Petrillo—and I am not fighting him except that he is a symbol of evil to the people of the United States and to the public. It seems that the radio-listening public have been forgotten. May I read to you a letter which shows Petrillo's attitude to the public. This letter came out in my paper, the *Gastonia Gazette*, about what happened in Fredericksburg, Va. I wrote to the post commander of the American Legion. This is the answer I received. I asked him if he wanted me

to use his answer. He said he did. I read:

AMERICAN LEGION,  
DEPARTMENT OF VIRGINIA,  
BOWEN-FRANKLIN-KNOX POST, No. 55,  
Fredericksburg, Va., January 24, 1946.  
The Honorable A. L. BULWINKLE,  
Congress of the United States,  
House of Representatives,  
Washington, D. C.

SIR: I appreciate very much your letter of January 23, with a copy of bill H. R. 5117 enclosed.

I am indeed glad that you saw an article in the *Gastonia Gazette* relative to my statement to Mr. D. H. Williams, in regard to the Armistice Day memorial service which was conducted here in Fredericksburg, Va., on last November 11.

On November 4, 1945, I wrote to Maj. Gen. Philip H. Torrey, commander, Marine Barracks, at Quantico, Va., requesting the use of an eight-piece orchestra from the Marine Band to play three or four hymns at the Presbyterian Church for a memorial service in memory of our sons and comrades who gave their lives for our country fighting in World Wars I and II.

On November 7, I received a telephone call from the post adjutant at Quantico, informing me that Major General Torrey would be glad to grant my request, but that it would be necessary for me to get a release or permission in writing from the American Federation of Musicians Local No. 123, located in Richmond, Va., before he could grant my request. I at once called by phone the American Legion Department adjutant's office in Richmond, Va., and asked them to get this release from local 123, and mail it to me at once. That same afternoon I was informed by the American Legion adjutant's office that Mr. Frank P. Cowardin, president of local 123, refused to grant permission for us to use the marine orchestra for our memorial service. I immediately called the Rev. R. V. Lancaster, pastor of the Presbyterian Church, who was to conduct the memorial service, he a former World War I chaplain, and informed him that our request had been refused by local 123.

To us this refusal seemed so ridiculous that we thought that there must be some misunderstanding as to the use of the orchestra. So Reverend Lancaster called by phone Mr. Cowardin, president of local No. 123, and explained to him just what type of service we expected to use the orchestra for. Mr. Cowardin stated that he had no authority to grant permission for the use of the marine orchestra, but that he would call Mr. James C. Petrillo, the big boss in New York, and ask for his ruling in the matter. The next day Reverend Lancaster was notified that Mr. Petrillo had said, Heck, no, or words to that effect, that if we wanted music for our memorial service let us pay union musicians to play it.

The service was not to be broadcast, and we were told by Major General Torrey, that there would be no charge for the use of the orchestra. The nearest union musicians to Fredericksburg, Va., was in Richmond, Va., or Washington, D. C., a distance of more than 50 miles.

We were having a memorial service in honor of the men who had died in the armed forces of our country, and we felt that it would be appropriate to have musicians who were now serving in our armed forces render this music. Men in uniform, buddies and comrades in arms honoring the memory of our sons and fathers who had paid the supreme sacrifice. But Petrillo said no.

We held our memorial service honoring our war dead but without military musicians. But instead of a simple church organ and our local church choir.

We, the American Legion, do not believe that existing law was intended to be applied as Mr. Petrillo is applying it. He has found a loophole and is taking advantage of it. We



also know that other memorial days are coming and we do not believe that Congress is going to permit any such shameful condition to exist.

Again thanking you for the interest you are taking in this matter, and if you desire any further information, or if I can assist you in any way, please do not hesitate to call on me. With kindest personal regards, I remain,

Sincerely yours,

J. L. GEORGE,  
Commander, Bowen-Franklin-Knox  
Post, No. 55, American Legion.

The Committee on Interstate and Foreign Commerce has worked hard on this bill. It is here to correct a wrong.

I trust that it will pass by a large majority.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LEONARD W. HALL]. However, before he proceeds I wish to make a statement on my own time.

I regret that there has been some curtailment of debate on this side because of a desire on our part to comply with the request of the leadership of the House to dispose of this bill this afternoon and thereby enable Members who have speaking engagements this evening and tomorrow in connection with Washington's Birthday to keep those engagements.

Mr. LEONARD W. HALL. Mr. Chairman, this is one of the few times since I have been a Member of this body that I find myself in disagreement with the gentleman from Indiana [Mr. HALLECK]. I am wondering how much time we would be spending here on a bill pertaining to the average individual in the United States if he were the member of a gang extorting fifteen or twenty million dollars from other people in the United States? I do not think we would be here determining whether or not we should pass such a bill. It seems to me that today again we are trying to set into a separate class these arrogant labor leaders like Mr. Petrillo. Just think of it. He admits that he was going to get—as I understand it from the statement of our chairman—fifteen or twenty million dollars by his actions; yet in this bill we only provide that for his actions to get that money he is only to be charged with a misdemeanor and fined not more than \$1,000. If you will look at the law books of all the States in the Union, you will find in every case that extortion like that would be classified as a felony, and the person would be subject to a much greater penalty.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Can the gentleman tell why it is that the gentlemen over on the other side, like the gentleman from New York [Mr. MARCANTONIO], condone this practice of Petrillo getting this \$20,000,000, yet yells his head off about the president of General Motors getting some money?

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I think the gentleman from New York and the gentleman from Michigan can take care of each other.

Mr. MARCANTONIO. The gentleman has mentioned my name.

Mr. LEONARD W. HALL. May I say this also: Just a few days ago the Supreme Court of the United States said it was repugnant to our form of government to have a cabinet officer, mind you, the Postmaster General, set himself up as a censor as to what the people should read in connection with matter going through the mail. Unless we pass some legislation like this pertaining to Petrillo, we will have a private individual in this country who can set himself up as a dictator and determine what the people shall hear over the radio.

The gentleman from Indiana [Mr. HALLECK] raised this question in his argument. He said, "Well, are we willing to take care of those cases in other labor unions where money is obtained in this manner?" I say this Congress lacks the courage it should have if we do not take care of every kind of extortion by any labor leader in these United States.

I am going to offer an amendment to this bill. I agree that this bill is aimed at Petrillo. Let us not kid ourselves. He is the man we are after. We are not after the fellow who blows the horn or plays the violin or plays the piano. We are after Petrillo, the man who runs the union like a dictator. I am going to introduce an amendment at the proper time to limit the penal provisions of this bill to the officers and representatives of unions and those who purport to be the officers and representatives of the unions. I think if we do that we will bring this bill to the point that all of us have in mind, that some time, somewhere, this Congress must take care of these Petrillos. I think it may be an outrage that we have come to the point where we call a bill the Petrillo bill; to think that by his arrogant methods he has reached the point where we must have it known throughout the Nation that we are passing the Petrillo bill. But, we are at that point, because we have not considered any constructive labor legislation on this floor for many, many years, and these arrogant labor leaders have gone on and on in their march for more power.

I say to you that I am in favor of labor. I am a great believer in unions, and I think by passing legislation like this we are doing the greatest service to the members of unions throughout the United States, because we are saving them from themselves when they allow their actions and their activities to be controlled by a man like Petrillo. I say, like the gentleman from Ohio [Mr. BROWN], let us have no Caesars in these United States.

Mr. BULWINKLE. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. BOREN] such time as he may desire.

Mr. BOREN. Mr. Chairman, the gentleman from New York, who just spoke, has eloquently told you the truth about this bill. However, he indicated an intention to offer an amendment which would limit the force and effect of this bill only to those who were designated as officials of the union. I would like to point out to my colleague from New York that the only thing that we are

getting at in this entire bill is the individual, Mr. Petrillo, or anybody else in this field. This bill does not aim at anybody who does not do these wrongful practices. I would consider the gentleman's amendment an unnecessary effort to protect somebody who cannot be touched unless he engages in these practices. We do want to leave this bill as it is, so if Mr. Petrillo goes beyond that sort of an amendment to utilize the individual members of his union to divert the purposes of this bill and do the things that we are trying to stop, then he would not have that avenue to do it. I think the gentleman should keep that in mind when he offers his amendment.

This bill should pass without controversy. The hearings of our committee which contain the full information is available to all. It is a sordid, disgusting, nauseating story of racketeering that surpasses anything in my knowledge from all of America's history, with the possible exception of the activities of Al Capone.

Petrillo is not only guilty of directing racketeering practices against the radio industry but he has directed punitive acts against his own union members. He is a power-grasping dictator and, in the realm of his nefarious activities, his actions are exactly in the same pattern as the dictators over nations whose power frenzy brought the world to the chaos of war.

Mr. Chairman, I urge all members to study the hearings before our committee. One factor is so clarified and emphasized as to be of vital importance in viewing the problems of labor. The hearings made clear that not the least of labor's problems is the problem of gaining freedom from the dictatorial power that harasses, drives, compels, and commands labor's rank and file without consideration of either labor's wishes or labor's welfare.

The hearings also emphasize the distinction that all America needs clearly to understand—the distinction between the labor movement and the union movement—the distinction between labor's interests and labor's welfare, and union interests and union leaders' motives.

The one, the labor movement, is meritorious in that its aims are to benefit and improve the lot of the workingman. The other, the union movement, under the dictatorship of the ilk of Petrillo and under the utterly false guise of aiding the workingman, seeks only to grasp power and more power for the selfish personal gains and interest of the "big shots" who dictate the policies and practices of the unions.

Petrillo has done nothing for the labor movement. He has done something to the union movement though, and that is to bring down on it the righteous condemnation of the whole American people who denounce him for what he is—a dictator, a racketeer, an extortionist, a despot who tramples upon the democratic principles under which the American people want to live.

Mr. Chairman, I hope we will pass this bill with a vote that will make it clear to all dictators of this pattern that the

American Congress will not stand any more, from any source, such abuse of the power that has been usurped from the hands of the workmen of America.

Mr. BULWINKLE. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. BRYSON].

Mr. BRYSON. Mr. Chairman, the urgent need for prompt enactment by Congress of the proposed legislation H. R. 5117 has been plainly demonstrated by the ability of this man J. Caesar Petrillo to keep the American people subjected to a system of extortion which he operates in deliberate violation of every principle and guaranty of freedom and common decency upon which this nation was founded.

The operations of Mr. Petrillo have not gone unchallenged. They have been fought by the victims of his extortions who one by one realized, sooner or later, the helplessness of their position and surrendered to Petrillo's demands for tribute. They have been contested by the United States Department of Justice and other law enforcement agencies of the Government which finally admitted that there was no way under existing laws to put a stop to such outrages. During the war Petrillo's invasion of the rights of the Government and the American people were resisted by the Office of War Information, the War Department, the Navy Department and the United States Marine Corps but he, Mr. Petrillo, took the position that the interests of the Nation, even in time of war, were subordinate to his own best interests at all times. The courts of our land also took up the challenge but they too in turn discovered that the Petrillo racket evaded all duly constituted authority by traveling through the loopholes of some laws and misappropriating the intent and purpose of others. In the final analysis, Mr. Petrillo has made it plain to the American people that nothing short of an Act of Congress is going to put a stop to his defiance of the Government of the land in which he lives.

There can be no doubt about the fact that the answer to the question of whether or not Mr. Petrillo will continue to operate in the future as he has in the past is squarely up to Congress. Last February a spokesman for a mid-western radio station which had just been compelled to capitulate to the Caesar of music declared:

For nearly 11 months we have been fighting Petrillo and defending the American principle of freedom. We have sought justice through the proper legal and administrative channels afforded us.

The American public and the working men and women of America, as well as the majority of the unions, have told us they are with us in this fight . . . but after all these months it has been made quite clear to us that the Government is unable to assist us. As long as matters are as they are at present, we had no alternative but to accept, at least temporarily, the situation.

We, therefore, have capitulated and accepted Petrillo's terms, and have signed a contract with his union acceding to his demands that we employ men under contract regardless of whether or not we need them.

If the Petrillo system of forcing an employer to contract for men he does not need,

and to pay royalties directly to the union because union members are employed in the manufacture of his commodity, is adopted by other unions, it means the finish of American business.

That the American people should have to bow down and defer to the wishes of this czar in seeking musical entertainment is a shame and a disgrace but Petrillo has so shamed and disgraced our people on numerous occasions. That any man should be able to boast of the power to make good American citizens take orders from him is a stench to the nostrils hard to inhale in this land of the free and home of the brave, but Petrillo has long boasted of that power and shown that he fully intends to continue to indulge in its abuse as long as we permit him to do so.

In 1940 the Mutual Broadcasting System offered to schedule a series of broadcasts using Army talent in order to stimulate public interest in our national defense program. Petrillo promptly announced that no Army bands could broadcast their music over the air waves until he, Petrillo, and the Secretary of War had a chance "to talk it over and mark out terms." In the "negotiations" with the War Department which followed, Petrillo magnanimously agreed to allow the Army bands to play, provided—now get this—provided he, Petrillo, gave his consent. Imagine that will you, ordering the Army of the United States of America to broadcast music of its military bands only upon his pleasure and consent.

Now if such a proposition sounds too raw to believe, or you wonder if the Army was compelled to obey such an outrageous command, let me tell you about this one which happened at a servicemen's center in New York some time later. The orchestra of the Army's great show, This Is the Army, was invited to help dedicate the center. Nineteen soldier musicians were on the stage with instruments ready to strike up the band but they never got to play a single note of music for the servicemen at the center because word came through from the local music czar at the last minute that Caesar Petrillo refused to give his consent.

Petrillo received his early training for putting the Army in its place by going after the Boy Scouts some years ago. He considered the Boy Scouts a menace to his program of music control, and a basic dictum of Petrillo is that people who get in his, Petrillo's, way must be put in their place so he let the teen age boys have it. He denied them the right to have two buglers play at a ceremony in the Chicago zoo, a public ceremony in a public place.

It keenly delights Mr. Petrillo to throw his weight around indiscriminately and strike without warning. In July 1942 an orchestra composed of 160 high-school boys and girls from all parts of the country were scheduled to broadcast a special program from the National Music Camp at Interlochen, Mich. The proud parents of these amateur musicians had their radios tuned in to receive the scheduled program but they listened in vain for the music they expected to hear. Petrillo had done it again, this

time saying in effect to a group of high-school students: "No belong to Petrillo's union, no can broadcast your own music—kids or no kids, amateurs or no amateurs, free-born sons and daughters of American citizens or no free-born sons and daughters of American citizens." In all seriousness and sincerity, I ask you my fellow legislators, what does it profit us, as citizens of this great democracy, to be guaranteed freedom by the Constitution of the United States if one man can stand up and take it away from us.

It is true that Mr. Petrillo's dominion is presently limited to the musical profession but no legal barriers now exist to prevent its extension to other fields. What, for instance, might be the effect of the introduction into other fields of public entertainment of one of Petrillo's chief sources of revenue, namely, a shake-down formula known as the stand-by arrangement. The workings of this arrangement are as follows: Petrillo is paid for the imaginary services of a ghost band, which does not actually play any music at all but, in theory, is standing by while a band from, say the United States Army, Navy, or Marine Corps, is permitted to play. In the case of recorded music, he has used his principle as a basis for levying a sales tax on all musical transcriptions played over the air, and the American people, through the radio industry, are having to pay tribute to one of Caesar Petrillo's ghost orchestras every time they listen to a recording of their national anthem, The Star-Spangled Banner, by an Army or Navy band.

Those who doubt that such a hijacking tool could ever be used to keep the Government in line will do well to examine the record and ponder the numerous instances in which Mr. Petrillo has already proven that it can be done—under existing laws. Failure of State and Federal Governments to enter into stand-by arrangements with Mr. Petrillo has resulted in his barring bands, supported by the money of our taxpayers, from appearance at many public ceremonies. He even went so far as to turn down the humble appeal of a group of patriotic American citizens to have an Army band play at a celebration honoring the two hundredth birthday of the first Commander in Chief of the United States Army, the father of our country, George Washington. Last Armistice Day another humble request was made to Mr. Petrillo for permission to use a United States Marine band whose music was to be dedicated to the memory of their fallen comrades of the Marine Corps who died in defense of their country. Petrillo said "No" and so a grateful Nation which had sought to show respect and appreciation for the courage, valor, and sacrificial devotion to duty of the brave men who gave up their lives fighting for it through Guadalcanal's enemy-infested jungles, across Tarawa's bloody coral reefs and up Iwo Jima's stubborn Mount Suribachi, a Nation which wished to thus show its appreciation to its sons who made the supreme sacrifice on the field of battle was not allowed to do so.

Mr. Chairman, upon the question of what should be our attitude toward such



a terrible situation as this, how can there be any excuse for further toleration or temporization? We cannot longer permit such travesties to be committed against the freedom of our people if the integrity of this Nation and its Constitution are to be upheld.

In addressing the Congress on the occasion of the one hundred and fiftieth anniversary of its first meeting, the late Speaker of the House, William B. Bankhead, warned:

There are evidences of certain sinister influences and minorities now seeking to sap and mine the pillars of this temple of freedom. We may have been too generous in our hospitality to them. We may have been too tolerant of some of their recent manifestations of subversive treachery. We have sought with rather grim patience to respect the guaranty of freedom of speech, but it may be only fair to admonish all such groups that they take counsel of their prudence lest by going one step too far, it will be too late to escape the wrath and indignation of all real Americans.

We have waited long "with grim patience" for a reform in the conduct of James Caesar Petrillo, but our waiting has only served, as pointed out in a recent issue of the Saturday Evening Post, to cause him to feel that "he has made a profitable career out of making the American people look like 130,000,000 fatheads."

Approval of the bill now before the House, H. R. 5117, is the only action Congress can possibly take consistent with any sincere desire to insure protection for the individual rights and freedom of the American people.

Mr. BULWINKLE. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, we are confronted with only one thing here today, to pass legislation to circumvent the practices which are now engaged in by James Caesar Petrillo. He has it in his power to kill once and for all frequency modulation. It is dead if Petrillo continues. He has already issued a dictate that no band in the Nation may appear on television for any purpose. If he continues, television is dead and buried. This is the only way you can get at him. Those who oppose this legislation would oppose any legislation to get at Petrillo. This is the way to stop him. Julius Caesar in all his glory was not arrayed like this one [Caesar].

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Chairman, in my opinion the bill which we are considering now and are about to bring to final vote should actually have been suggested to the Congress by organized labor itself. Organized labor has in its ranks as one of its leading members, the headman of the American Federation of Musicians, a man who is acting contrary to all the democratic principles of our country, contrary to the best interests of his own members, and certainly very, very much to the disadvantage of the rest of organized labor.

Unfortunately, there is probably no way in which the other elements of organized labor, in either the American Federation of Labor or the CIO can get

at him. Organized labor cannot curb the activities of this man Petrillo, whose crimes have been enumerated here and which I shall not go to the trouble of repeating. Neither, due to the nature of the broadcasting industry, can the States get at this man through their State laws.

The radio industry is based rather largely on the program service furnished by networks. Mr. Petrillo's way of getting at any radio station, large or small, is through the network. That, of course, is an industry in interstate commerce, and laws having to do with broadcasting must come from the Congress of the United States.

May I take just a moment of time to repeat what has already been read to you, namely, a portion of the bylaws under which Mr. Petrillo operates. This is the bylaw which gives him the right to issue executive orders. It says that:

He may annul and set aside same—

Referring to the constitution or bylaws—

or any portion thereof except such which treat with the finances of the organization and substitute therefor other and different provisions of his own making.

In other words, the members of the American Federation of Musicians who are artists and not businessmen—musicians and not organizers—men who have their minds and thoughts on their work dealing with something artistic and not practical, have quite innocently in their own way given to this man Petrillo complete and absolute power over the operation of their union. He is a detriment to them—not a help. With that power he has brought about the ultimate reduction of the number of musicians in the country by refusing the right of radio broadcasting to amateurs. He says with reference to school bands in his report to the union in 1944, in telling about what he had done in the Interlochen case:

Nor was there in the year 1943 any other school band or orchestra on the networks, and there never will be without the permission of the American Federation of Musicians (or without the consent of Mr. Petrillo).

The words "without the consent of Mr. Petrillo" are added by me.

Obviously this bill is a bill directed against Mr. Petrillo. Unfortunately, something of this kind happens once in a great while. We have weeds in gardens and we have pests to bother animals and human beings, and temporarily—temporarily, I hope—we have Petrillo to bother the American broadcasting industry and the American people and curtail the services of radio stations. I sincerely hope that this bill will be passed. I am not worried about the penalty provisions. I think the provisions of the bill clearly set forth what the penalties should be assessed for and I see no reason for not carrying the bill through as it is written by the gentleman from California [Mr. LEA] and reported out by the committee.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

The Clerk read as follows:

Be it enacted, etc., That title V of the Communications Act of 1934, as amended, is amended by inserting after section 505 thereof the following new section:

# "COERCIVE PRACTICES AFFECTING BROADCASTING"

"SEC. 506. (a) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel, or constrain a licensee—

"(1) to employ or agree to employ, in connection with the conduct of the broadcasting business of such licensee, any person or persons in excess of the number of employees wanted by such licensee; or

"(2) to pay or give or agree to pay or give any money or other thing of value in lieu of giving, or on account of failure to give, employment to any person or persons, in connection with the conduct of the broadcasting business of such licensee, in excess of the number of employees wanted by such licensee; or

"(3) to pay or agree to pay more than once for services performed in connection with the conduct of the broadcasting business of such licensee; or

"(4) to pay or give or agree to pay or give any money or other thing of value for services, in connection with the conduct of the broadcasting business of such licensee, which are not to be performed; or

"(5) to refrain, or agree to refrain, from broadcasting or from permitting the broadcasting of a noncommercial educational or cultural program in connection with which the participants receive no money or other thing of value for their services, other than their actual expenses, and such licensee neither pays nor gives any money or other thing of value for the privilege of broadcasting such program nor receives any money or other things of value the broadcasting of such program; or

"(6) to refrain, or agree to refrain, from broadcasting or permitting the broadcasting of any radio communication originating outside the United States.

"(b) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel or constrain a licensee or any other person—

"(1) to pay or agree to pay tribute for the privilege of, or on account of, producing, preparing, manufacturing, selling, buying, renting, operating, using, or maintaining recordings, transcriptions, or mechanical, chemical, or electrical reproductions, or any other articles, equipment, machines, or materials, used or intended to be used in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

"(2) to accede to or impose any restrictions upon such production, preparation, manufacture, sale, purchase, rental, operation, use, or maintenance, if such restriction is for the purpose of preventing or limiting the use of such articles, equipment, machines, or materials in broadcasting; or

"(3) to pay or agree to pay tribute on account of the broadcasting, by means of recordings or transcriptions, of a program previously broadcast, payment having been made, or agreed to be made, for the services actually rendered in the performance of such program.

"(c) The provisions of subsection (a) or (b) of this section shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right or legal obligation.

"(d) Whoever willfully violates any provision of subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than 2 years or by a fine of not more than \$5,000, or both.

"(e) As used in this section the term 'licensee' includes the owner or owners, and the person or persons having control or man-

agement, of the radio station in respect of which a station license was granted."

With the following committee amendment:

On page 4, line 16, after the word "section", strike out the balance of the line, down to and including the figure "\$5,000" in line 19, and insert "shall, upon conviction thereof, be punished by imprisonment for not more than 1 year or by a fine of not more than \$1,000."

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. I have an amendment that would take the place of that entire subsection (d). Will that amendment be in order, assuming the adoption of the committee amendment just offered, or should that amendment be offered as a substitute committee amendment?

The CHAIRMAN. The Chair believes it should be offered as a separate amendment.

Mr. LEONARD W. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEONARD W. HALL. I have an amendment which will add a new subsection. Should that be offered as an amendment or after the adoption of the committee amendment?

The CHAIRMAN. It should be offered after the committee amendment is disposed of.

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. I have an amendment which strikes out all after the words "A bill" and inserts other language. Should that come in now or after this bill has been perfected?

The CHAIRMAN. It should come after the perfecting amendments have been passed on.

The question is on the committee amendment.

The committee amendment was agreed to.

Mr. LEA. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEA: On page 4, line 4, after the word "broadcasting" and before the semicolon, insert "or in the production, preparation, performance, or presentation of a program or programs for broadcasting."

Mr. LEA. Mr. Chairman, the object of this amendment is to make this particular section conform to the preceding one. It was recommended by the drafting service and simply perfects the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEA].

The amendment was agreed to.

Mr. MARCANTONIO. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MARCANTONIO: On page 1, line 9, after the comma following the word "duress", strike out the language "or by the use or express or implied threat of the use of other means."

Mr. MARCANTONIO. Mr. Chairman, I offered this amendment in committee when we were considering the bill. It has been my contention and the contention of several others that the language in this bill definitely makes a strike a criminal offense.

Why? Because the words "any other means" subject the members of a union who refuse to work, in order to obtain any of the demands that you seek to interdict in this bill, to indictment, prosecution and imprisonment. This is the first time that we enact legislation here which calls for imprisonment because of a strike.

Now, if you want to—and I disagree as to the things that you seek to interdict here—but if you want to interdict them you can do so by declaring them illegal, by redefining certain definitions in the criminal statutes. But you go further here. You use the words "by any other means," which may mean the use of a strike, leaflet, or a pamphlet, or a newspaper article, or a speech. "Any other means" is any other means. Thus, you say to American workers in the broadcasting industry who strike, "You will be subject to indictment, prosecution, and imprisonment." And at this point I want to yield to either the author of the bill or the gentleman from Ohio [Mr. BROWN]. I want to yield to them to see whether or not what I have said is correct.

Mr. LEA and Mr. BROWN of Ohio rose.

Mr. MARCANTONIO. I yield first to the chairman of the committee.

Mr. LEA. The best answer I can give is to read that section of the report which was drafted by the Legislative Counsel for the House. I know of no better lawyers whose advice we can take than the members of the Legislative Counsel. The statement is made:

This subsection does not prohibit the right to strike or to withhold services, or force individuals to work against their will or desire. It will place no limitation whatever on the use of strikes for the accomplishment of legitimate objectives, such as wage increases or better working conditions.

Mr. MARCANTONIO. Excuse me right at that point. That was not what I said. I said that if these men go out on strike to enforce the demands which you seek to interdict, if they go out on strike to demand No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6 on pages 2 and 3 of the bill, would not that strike subject them to imprisonment?

Mr. LEA. If the strike is of coercive character for those purposes then it is prohibited by this bill. In other words, to strike for an unlawful purpose is unlawful and is prohibited by the bill.

Mr. MARCANTONIO. So that if these workers go out on strike to demand, for instance, that more men be employed, or if they go out on strike to demand that they get payment when records are used because they are put out of work by the use of these records, then according to the terms of the bill they are striking for something the gentleman claims is unlawful and would therefore be subject to imprisonment pursuant to this bill.

Mr. Chairman, my amendment would make it impossible to imprison men for going out on strike.

The issue is squarely up to you. This is the first time that you are legislating imprisonment for workers going out on strike. You are legislating imprisonment for men refusing to work. It is clearly in violation of the thirteenth amendment; it is unconstitutional; but if Congress wants to do it, if instead of discussing the bill you prefer to keep up to the pattern that has been set here of raising smoke screens, of waving the flag, of talking about Union men that are buried and Confederate men that are buried, of condemning Caesar and defending the shrine, go ahead and lynch organized labor and enjoy it while you are doing the job. However, when your smoke is blown away, the American people will see the issues. Yes, they will know that this bill is intended to increase the profits of the real Caesars, the broadcasting corporations.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. My time has expired.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, I just want to say to the House that I feel very, very certain, in my own mind, and I believe most of you do, that if the gentleman from New York was so sure this provision is unconstitutional and that this law, if enacted by the Congress, would be thrown out of the statute books, he would not be asking that you support his amendment.

I hope you will defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MARCANTONIO].

The question was taken; and on a division (demanded by Mr. MARCANTONIO), there were—ayes 26, noes 70.

So the amendment was rejected.

Mr. HALLECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: On page 4, strike out lines 15 to 21, inclusive, and insert in lieu thereof the following subsection:

"(d) The district courts of the United States shall have jurisdiction, notwithstanding the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' to enjoin or restrain violations and threatened violations of any of the provisions of subsection (a) or (b) of this section, and by appropriate order or decree to compel compliance with such provisions.

"(e) If any labor organization, or any person or persons acting for and on behalf of a labor organization, shall violate the provisions of subsection (a) or (b) of this section, then—

"(1) for the period of 1 year following the date on which such violation occurred, (i) the individuals who are members of such labor organization shall not be entitled to any rights, privileges, or benefits under the National Labor Relations Act; (ii) such labor organization shall not be recognized as a labor organization, or as a representative of employees, under the National Labor Relations Act; and (iii) the National Labor Relations Board shall not require any employer



to bargain with such labor organization as the representative of any employees; and

"(2) for the period of 1 year following the date on which such violation occurred, such labor organization shall not have the status of a person participating in or interested in any labor dispute for the purposes of section 4 of the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts in equity, and for other purposes.'"

Page 4, line 19, strike out "e" and insert "(f)" and after "section" insert "(1)"; and in line 22, after "granted" insert ", and (2) the terms 'employer,' 'employee,' 'representative,' and 'labor organizations' shall have the meaning assigned to them in section 2 of the National Labor Relations Act."

Mr. HALLECK. Mr. Chairman, this is the amendment about which I spoke a short while ago when we were still in general debate and at that time I tried as well as I could to explain it. I shall again briefly say what the proposition is because I am quite sure you can determine from that what you want to do about it.

This amendment would substitute for the penalty section of the bill another penalty to be inflicted in the event the conduct declared to be unlawful and against public policy is resorted to as it is outlined in the bill. The penalty that my amendment would inflict would be to withdraw the protection of the Federal statutes, such as the Wagner Act, from the labor organizations, their representatives, and their individual members who would indulge in that conduct which is declared by the provisions of the bill to be against public policy and against the public interest. There is no question among us—I say there is no question, but there undoubtedly is a question in the minds of some, but at least among what is obviously the great majority here—that we want to exercise some restraint over these practices. We want, if we can, to stop them, because we are agreed that what is going on is not in the public interest. Somebody may say that this penalty will be no deterrent. Well, to them, let me suggest that it is exactly the same penalty that is written into the violence section of the Case bill and in the jurisdictional-strike section of the Case bill, and I have heard many say of that bill that that was quite a deterrent. I do not know whether it is or not. I think it would be, and I am sure a similar provision in this bill would be.

One radio-station operator in my State wired me to be for the Petrillo bill. I wrote him suggesting the penalty that was involved, and inquired what he thought about it. He wrote back quite a letter. I would read it to you if I had the time. He said that he had not been familiar with the provisions of the bill but he thought probably it was going too far to put these men in jail for the demands that they were making. However, he said, "Why should they have the protection of the Wagner Act and make me continue to deal with them when they indulge in that sort of conduct?"

As I said in my speech in committee, we can all argue constitutional law questions, and I guess some of us have gotten to the point where we hesitate to express an opinion of constitutionality, although

for myself, whatever the court might decide, I feel that I yet have a responsibility to that great document. It will be argued by many, probably much better lawyers than I, that this is constitutional. There are many who question it. If there is a substantial question about it, if there is a question as to the advisability of this type of penalty, which we might as well understand is a departure from anything we have had, then, of course, it can be argued, and no one can deny that if the Government has said to the labor organizations and to the members thereof, "We give you the benefit of this protective act, if you engage in this sort of conduct that we declare to be against the public interest, then we take from you that umbrella of protection that we have given to you," the result would be, of course, that the station operators subjected to that sort of a demand would have the right of discharging the employee who insisted upon the demand and other courses of action would be available. Let me urge again that to my mind the penalty contained in this amendment would be effective and justifiable.

Mr. SMITH of Virginia. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, I have considerable sympathy with the views of the gentleman from Indiana. He and I worked long together on the proposed amendments to the National Labor Relations Act which were passed by this House and approved by the American Federation of Labor. I think perhaps I understand his philosophy and his reasons better than perhaps many other Members of this House. I do want to say that in all of these matters that have come up nobody has ever had the right to question the courage of the gentleman from Indiana, CHARLIE HALLECK. I realize that this question with him is a question of principle, but in this case I have to differ with his conclusion.

I think this case is upon a different basis from the ordinary prohibition of the right to strike. Here we have an agency which is a quasi-governmental agency. The Communications Commission is set up to control that agency. The Communications Commission, an agency of the Federal Government, is given power by this Congress to say what shall be done and what shall not be done in the regulation of communications over the air. Congress goes further in this act in defining the powers and the authority of the Communications Commission and the privileges of those who use those facilities, and Congress declares a policy. It not only says that certain things are against public policy but it enumerates those things and says that they are hereby declared to be unlawful when done in connection with and under the auspices and with the facilities of these instrumentalities controlled by the Federal Government. Congress having declared this thing to be a crime and

unlawful, then it naturally follows as the night follows the day that there must be a penalty for the commission of the crime. The crime is the violation of any of these things which Congress has said shall be unlawful. It seems to me perfectly obvious that this is a perfectly proper and necessary sequence to the thing which Congress seeks to do, which is to declare certain things to be unlawful.

We have debated this matter of the right to strike to quite an extent. It used to be said when I first came to Congress some 15 years ago that the greatest liberal of them all was Justice Brandeis of the Supreme Court of the United States. Some of you, I know, are familiar with what he said on this subject about the right to strike. I want to put it in the RECORD at this point because I think it has been neglected. In the case of *Dorchy v. Kansas* (272 U. S. 306), Justice Brandeis made this statement, and I invite your close attention to it:

Neither the common law nor the fourteenth amendment confers the absolute right to strike.

In other words, what Justice Brandeis was saying was that if there was a legal right to strike it was a qualified right to strike and we in Congress in the exercise of our legislative functions could prescribe what those qualifications were. We hear a lot of talk about involuntary servitude. Let us see if it is involuntary servitude. After all is said and done, when you come right down to brass tacks, what is a strike? A strike is a concerted refusal to work, and this concerted refusal to work is an activity in the nature of a conspiracy. Everybody realizes that the Congress has the right to prohibit conspiracy and to fix punishment for conspiracy. All this bill does when all is said and done, as reluctant as I am to differ from my good friend, the gentleman from Indiana, all this bill does is to say that in this instrumentality controlled by the Federal Government certain things are hereby declared to be unlawful, to be criminal, and to be against the law. When they are against the law, naturally, as a consequence, we fix the penalty for a violation of the law.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. PATRICK. On page 2, under subsection 5, among the things which are declared to be unlawful, there is enumerated the following:

To refrain or to agree to refrain from broadcasting or permitting the broadcasting—

And so forth. Under the penalty provision, it says it shall be punished by imprisonment for not more than 1 year or by a fine of \$1,000.

According to the gentleman's construction of that language, would that mean that six boys who had been playing for a radio station should not play the next time they were supposed to play because they did not have stand-ins; would that mean those six boys in that little orchestra would be put in jail for a year or fined for \$1,000?

Mr. SMITH of Virginia. I do not think I have ever seen a bill which is clearer than this bill. I think that anybody who can read and understand the English language knows what it means.

Mr. PATRICK. What does it mean?

Mr. SMITH of Virginia. The gentleman is right. If they do, individually or collectively, through this form of conspiracy any one of the things which the Congress declares to be against the law, then they are subjected to the criminal penalty.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. May I inquire, referring to the statement by the gentleman from Indiana, as to how his penalty would reach Mr. James C. Petrillo, the man you are trying to reach?

Mr. SMITH of Virginia. The gentleman will have to direct his inquiry to the gentleman from Indiana.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. MARCANTONIO. May we have the gentleman's opinion on a situation of this kind? If five men employed in a radio station make any one of the demands included on pages 2 and 3 of the bill and the radio station refuses to grant those demands, and then those five men do not report to work the next day and stay away from work, would they not then be subjected to indictment and prosecution and imprisonment under the bill?

Mr. SMITH of Virginia. If 5 men or 1 man or 500 men violate the provisions of this act by doing any one of the things narrated therein, we might as well be frank about it, they subject themselves to the penalty of this bill.

Mr. MARCANTONIO. That is the situation exactly. I thank the gentleman for his very frank answer to that question.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment if adopted would detract greatly from the usefulness of this bill. It tends toward confusion and it weakens the bill. The circumstances involved in this legislation deserve positive, clean-cut action by this House. I hope we will have such action. I urge that any amendments that tend to weaken and undermine this bill be defeated.

The amendment offered here is over a page long. It has been injected here without reading. It provides for the injunctive power of the court to intervene in these cases. It abolishes the penalty proposed in the bill. Then it gives jurisdiction to the National Labor Relations Board to withdraw the benefits of the National Labor Relations Act.

If the injunctive power is invoked, that would require a private suit. We all know where that would wind up. Punishment of these wrongful acts should not be left to the whim or personal convenience of a plaintiff in a private suit at his expense. It should not be left to a private individual when he is satisfied to quit. What is involved here is an offense against the public welfare.

On the question of the National Labor Relations Board, that is an administrative bureau of the Government. Who believes in throwing determination of these actions into a political bureau? I think the record of the National Labor Relations Board, particularly for the early years of its operations, fully discloses why this sort of amendment that adds confusion, uncertainty, and futility should not be adopted.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. ROBSION of Kentucky. I would like to be informed what effect the amendment offered by the gentleman from Indiana would have on Mr. Petrillo himself.

Mr. LEA. I think Mr. Petrillo would care very little about what the National Labor Relations Board said or did. He is not dependent on their good will. He would operate in a way that would escape responsibility either under the injunction process or the National Labor Relations Act. A great deal of his power is used by underground forces. I think this amendment tends to play into the hands of the racketeer. If it had any effect it would probably be to pass responsibility to the little fellow down the line.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. DONDERO. There is some hesitancy on the part of some Members because the penalty is severe, a thousand dollars fine and 1 year in jail, but I ask the gentleman whether or not that is very mild punishment when you consider that Mr. Petrillo is taking \$20,000,000 a year.

Mr. LEA. I think the moral character of this offense is such that it would be a mistake to lower this penalty. Bear in mind, this leaves it to the court to determine the penalty in proportion to the offense. In the ordinary procedure, the innocent little fellows would be allowed to go. Or the court could fix any penalty, even down to a \$5 fine, if it determined such a fine would satisfy justice.

I hope the amendment will be defeated.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PATRICK. Mr. Chairman, I rise in support of the amendment.

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Is it in order, if the bill is to be passed tonight, to ask for the reading of the engrossed copy?

The CHAIRMAN. It would be in order.

Mr. PATRICK. Mr. Chairman, the gentleman from Virginia [Mr. SMITH], whom we all admire and respect, whether we agree with him or not—so often I do not—has been so fair that I think we should all know clearly what is happening. I am a member of this Interstate and Foreign Commerce Committee. I do not have to disclose what I did in this committee but I shall. I voted in committee to bring this bill out on the floor

and consider it. Some members of the committee did not. Almost my entire legislative life in this House has been spent as a member of that great committee, under its great chairman. I want to do something to cut down on Mr. Petrillo. But it has been brought out very clearly in the debate that what we are about to do will either go over his head or under his feet.

Maybe the amendment offered by the gentleman from Indiana [Mr. HALLECK], a very able member of the committee, will help. Let us not be excited and hasty about this thing; let us do no wrong, no matter how much we would love to do something. Let us consider section 5 of the bill and let us take any other section, for it would apply equally, as the gentleman from Virginia points out. We start out by saying:

It shall be unlawful—

And so forth. On page 2 it reads:

Or any other means.

That makes it dangerous for people we are not after. In line 9 of page 3 we use the words, whether or not of the same character as force:

Violence, intimidation or duress.

What will happen in the case of a radio station. Say that there is a little orchestra, little home orchestra that plays for the station and which has been playing for the station for some time. Its members decide to get certain advantages—they call it that—advantages they think due them sought to be obtained. The station does not agree. What do they do? Only one thing. The next time they refuse to play, say it may be a month later they refuse to play, that makes them guilty of the violation of section 5 of this act. It may be four or five little old schoolboys. They are each subject to a fine of a thousand dollars and imprisonment for a year. That seems to me a little further than we realized we were going under this bill, and nobody on this floor has said this then reaches Petrillo himself.

The hidden ball in this game seems to be this: Who is guilty of what? What is the specific thing; what is the particular overt act for which you are going to put somebody—whom—the violator of this law—in jail? Who is the violator of this law? Whoever it is that refuses to do what those boys in the musicians' union refuse to do, perhaps refuse to go on the air the next time. Or it may be the refusal to make a transcription or recording. A year in jail and a thousand dollar fine. So let us be sure we know what we are doing, and to whom we are doing it.

I came here expecting to support this bill today. But unless it is amended so as to reach only those who are in power, those who are running this racket, those we are really shooting at; unless it is amended so that the proper persons will be the ones subjected to fine and imprisonment, I am going to vote against this bill—and I would surely hate to see the big rat get away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.



Mr. LEONARD W. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEONARD W. HALL of New York:

On page 4, line 21, after the period insert the following: "In the case of a violation of subsection (a) or (b) of this section by a labor organization, or by any individual or individuals acting as a representative or as representatives of a labor organization, no member of such labor organization who, at the time such violation occurred, was not a representative of such labor organization shall be subject to the penalties provided in this subsection on account of such violation."

On page 4, line 22, after the word "section" insert "(1)", and in line 25 strike out the period and insert in lieu thereof a semicolon and the following: "(2) the term 'labor organization' means any organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and (3) the term 'representative of a labor organization' means an individual who is an officer of a labor organization or who acts, or purports to act, for or on behalf of a labor organization."

Mr. LEONARD W. HALL. Mr. Chairman, this amendment was prepared by the legislating drafting service at my request.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield for a question?

Mr. LEONARD W. HALL. For a short question.

Mr. MARCANTONIO. Under the bill, the people affected would be those who actually went on strike. Under the gentleman's amendment, there is included everybody in the organization.

Mr. LEONARD W. HALL. I will explain the amendment.

Mr. Chairman, you will read in lines 7, 8, and 9 of the first page of the bill that oftentimes implied threats are used in order to bring about the result that leaders like Petrillo want. Many times—I would say most of the time—the action never results in a strike, yet I am informed that, theoretically, the moment Mr. Petrillo makes a threat it is a threat of the union, and every member of his union may be indicted for the threat or implied threat that Mr. Petrillo made.

That is the type of situation I am trying to correct by my amendment. As I said in my remarks before this afternoon, we are not after the little fellow who plays one of the horns or violins in the orchestra; we are after the leader. My amendment does not go so far as to say that if the members of the union join in the coercive actions they will be excused. It does not go that far. But where they have not joined in the coercive actions of their leader it seems to me only fair that they should not be indicted and subjected to the final provisions of this bill simply because they happen to be members of that particular union. That is the only purpose of my amendment. I could take hours and find no other words to explain it. There is nothing else to it.

It means that the fellow who is using coercive actions or intimidating actions is subject to the penalties of this bill, but if he had no part in the intimidations, if he had no part in the coercion, he shall not be subject to the penal pro-

visions of my amendment simply because he happens to be a member of the union.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. If he takes an active part, he is subject?

Mr. LEONARD W. HALL. He is subject to the penalties; yes; that is my understanding.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I yield to the gentleman from Texas.

Mr. RUSSELL. If the gentleman will look over on page 4 at the punishment provision in that, he will find these words, which I think does the very same thing that the gentleman's amendment seeks to do: "whoever willfully violates." Any man who willfully violates the provisions is subject to the penalty; therefore, your amendment would not change the situation.

Mr. LEONARD W. HALL. Let me say that under the constitution of the musicians' union the members, for some reason or other, have made Mr. Petrillo a dictator. He can commit them to anything, and I am informed that theoretically in connection with any act that he commits they may be responsible—therefore, may be indicted. That is the question involved. This only takes them out of that kind of a situation.

Mr. RUSSELL. Under this definition they could not be guilty and they would not be indicted.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The amendment the gentleman offers seems to be in the right direction, but I would like to be sure. Assuming that there is a labor dispute and the officers of the organization and a number of the members of the union exercise their right to strike, if any of the provisions of the bill are violated. Do I understand under the gentleman's amendment the members of the union would not be prosecuted?

Mr. LEONARD W. HALL. No; I did not say that. If they take part in the coercive action, then they are subject to the provisions of the bill.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I yield to the gentleman from New York.

Mr. MARCANTONIO. In other words, if they strike they would be subject to the provisions of the bill.

Mr. LEONARD W. HALL. If they strike to carry out the unlawful purposes as explained in this bill, then they are subject to the penal provisions.

Mr. MARCANTONIO. And if the other members of the union joined with them on the picket line they would still be subject to the provisions of the bill?

Mr. LEONARD W. HALL. If they do anything which is declared unlawful in this bill, then they are responsible, but they will not be responsible merely because Mr. Petrillo or some other leader has made threats, and it is a question whether they would be if we did not have an amendment like this.

Mr. LEA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I have the highest regard for the gentleman from New York and I regret to oppose his motion. On the other hand, I think his motion violates the generally recognized method of criminal law. He proposes that only those who participate shall be held guilty; in other words, it would in effect give a bill of health for freedom to those who did not participate because they were not leaders of the union, and therefore would not be responsible.

Mr. LEONARD W. HALL. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield to the gentleman from New York.

Mr. LEONARD W. HALL. I think I made it plain when I said that my amendment did not apply to any situation where any member of the union took any part in this action which we condemn.

Mr. LEA. Under the bill a man is not responsible unless he actually participates in the willful purpose. That is the general rule of criminal law. Now, if we step in here and say that part who participate are to be free and part are to be punished, then it seems you give a very difficult job to the district attorney. In addition to that you play into Petrillo's hands, because he can handle that thing and do it through the little fellow down at the end of the line and use them as cat's paws, while he would be on the other side of the wall.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. As a matter of fact, the penalty clause in the bill specifically confines the punishment to those who willfully engage in the violation.

Mr. LEA. That is right.

Mr. SMITH of Virginia. It is written in the bill.

Mr. LEA. Yes. That is part of the language in the bill. So I think it would be a mistake to adopt an amendment which in effect would say that notwithstanding the character of the coercive purposes, that we are going to, by law, exclude from punishment part of those who participate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LEONARD W. HALL].

The amendment was rejected.

Mr. RABIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RABIN: Page 4, line 14, after the word "obligation", insert "(d) Nothing herein contained shall prohibit the right to strike for any objective which may be lawfully obtained through negotiations."

Mr. RABIN. Mr. Chairman, when I previously addressed the House in general debate I said it was my thought that this bill prohibits the right to strike rather than prohibit the right to do certain things other than that. The amendment I offer, I submit, will clarify the rights of labor should any question arise. The only thing I ask is that when something may be achieved by lawful

negotiation, the right to strike for those objectives shall not be prohibited.

The basic problem here is not legal, it is economic. With the technological advances that are being made, with these new machines that are being created, there comes a problem. Shall they get their share of the wealth that is created by these new machines? The struggle of labor has been for labor to get its just share of that. If they can do that only by negotiation, and if they do not have the right to strike, negotiation is meaningless.

This bill states that the use or expressed or implied threat of the use of force, violence, intimidation, or duress, or coercion, shall be unlawful. I do not include these things; leave them out. I do not say you have a right to coerce, that you have a right to use force, that you have a right to use duress, or any of those words. The only thing I want to protect is the right to strike for any objective that may be achieved by lawful negotiation. I do not believe anybody should want to deny labor that right. Negotiation is meaningless without the right to strike. If they can negotiate lawfully, I say give them the right to strike for that objective. If this bill is correctly written, as the committee contends it is, there should be no objection to that amendment.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. RABIN. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. Just what would the gentleman term as lawful negotiation?

Mr. RABIN. This bill admits there are certain lawful situations when it excepts lawful contracts. I will give the gentleman a specific illustration. Labor recently sat around the table in conference with management, and management agreed to pay labor a fraction of a cent for each record. I do not say that is a proper solution of the problem of giving labor some share of the advances made by science. They tried to find a solution, because when a trumpeter makes a record that record reproduces itself, and he should get something. That was a solution arrived at in a peaceful way. If they do not arrive at a solution in a peaceful way, a lawful objective, and that objective is lawful—it is a contract now—they should have the right to strike.

Mr. COLE of Missouri. Would the gentleman say it was lawful negotiation for Mr. Petrillo to say to a broadcasting concern, "If you broadcast this program my men are going to strike"?

Mr. RABIN. You do not correct that in this bill. What you do in this bill is to make it unlawful for them to strike. You do not say it is unlawful for Petrillo to go to a broadcasting station and say, "You are not permitted to do this." You do not say that at all. That is the objection I have to this bill.

Mr. COLE of Missouri. Would not that procedure be within the gentleman's amendment, though? Would not that be construed as lawful negotiation?

Mr. RABIN. No. Under my amendment, what they could achieve by con-

tract they would have a right to strike to obtain. I leave out all coercion, all force, all duress. I do not touch those words at all. I think labor should have the right to strike in connection with lawful negotiations.

Mr. BULWINKLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is nothing in the bill that prevents the exercise of the right of negotiation and agreement. This is just another crippling amendment. I ask that it be voted down.

Mr. ROBSION of Kentucky. Mr. Chairman, the bill provides that it shall be unlawful to use force, violence, intimidation, or duress to accomplish certain purposes in connection with broadcasting. The gentleman from New York [Mr. RABIN] has offered an amendment which expressly reserves the right to the American Federation of Musicians to strike or quit their employment for any lawful purpose if they desire to do so; in other words, they cannot be fined or sent to jail if they strike unless it is accompanied by force, violence, intimidation, or duress.

If I understand the amendment offered by the gentleman from New York [Mr. RABIN] it would not protect James C. Petrillo, president of the American Federation of Musicians, and his federation, if they use force, violence, intimidation, extortion, or duress to accomplish their purposes. Do I correctly understand the gentleman's amendment?

Mr. RABIN. That is correct.

Mr. ROBSION of Kentucky. There is a great deal of feeling and apparently, well founded, against Petrillo and some of the other top-flight officers of this organization. I have received no word in person, letter, or telegram from any individual, labor organization, or other group of workers expressing approval of Petrillo's conduct or protesting against this legislation. I have, however, received many communications from various other individuals, from organized workers, loyal union men, and other groups expressing disapproval of his dictatorial and high-handed oppressive conduct. The conduct of Petrillo has been and is doing great harm to organized labor. Here is one place where it appears there is urgent need for a real housecleaning among organized workers themselves, and, according to the information I have, organized workers have roundly condemned Petrillo and his conduct.

Our Supreme Court, even before the New Deal, declared over and over that professional or individual workers had the right to organize to bargain collectively, to strike, and to engage in peaceful picketing. The courts hold that these rights are guaranteed to workers under the Constitution of the United States. We should not permit ourselves, because of the misconduct of Petrillo and a few others, to incorporate into law unconstitutional provisions or attempt to take away any of the constitutional rights of Petrillo, or any other citizen.

The proponents of this legislation insist that the measure does not take away any of these rights; yet there are other Members of the House, as well as other persons, who honestly believe it does attempt to take away these rights of these musicians. In order that there may be

no question as to the intent of Congress, I can see no good reason why we should not adopt Mr. RABIN's amendment, which reserves these rights where the union is engaged in lawful acts to promote its objective. Mr. RABIN pointed out in his remarks that this amendment does not in any way authorize unlawful practices, such as force, violence, intimidation, or duress—unlawful acts.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Does not the language of the amendment make the use of force, coercion, or violence unlawful only when it is used to compel or restrain a licensee to pay or agree to pay tribute? Does not the language of the amendment make use of force, coercion, or violence unlawful only when it is used to compel a licensee to pay or agree to pay tribute and things like that? Certainly it does not interfere with the right to strike where wages are involved and for any legitimate reason as between a workingman and his employer.

Mr. ROBSION of Kentucky. We all agree that the workers have the right to strike and they can only be held liable under this act where there is used force, coercion, intimidation, or violence to compel the employer to do a certain act or to exact tribute from the employer or others.

I am convinced that, under the Constitution, we cannot deny the right to bargain collectively or to strike, and since the proponents concede that this position is sound, why not adopt the Rabin amendment and remove any question on this point?

A strong case has been made against Petrillo, and some of the other officials of his organization, of force, violence, intimidation, and duress in carrying out their stranglehold on broadcasting in the demand and collection of tribute from broadcasting companies, citizens, as well as control of the members of his own organization. This control is almost beyond belief. This conduct should cease in the interest of organized labor itself, in the interest of free speech, fair and honest dealings, and the welfare of the entire country.

The radio is one of our greatest instrumentalities for free speech and to acquire information. It promptly carries news to the remotest sections of our country and the world. It provides a forum for discussions of our political, economic, and social problems. It is a great source of entertainment, music, and culture, and the vehicle for the message of all religions.

The American people complain generally that Petrillo has assumed to himself the power to prevent high-school and other school musicians from putting on free radio programs throughout the Nation unless they employ and pay an unnecessary orchestra provided by Petrillo, and in many instances the orchestra so employed renders no service and is not present. This has prevented any high-school musical programs from being put on the air since 1943. Petrillo exacts this tribute and the same situation prevails in putting on a church,



welfare, or community radio program. They must pay tribute to Petrillo even though he and his group furnish no service, and in many instances are not even present. They have followed the same tactics in preventing the use of the United States Navy, Marine, and Army Bands to perform at memorial observances or patriotic celebrations. They will not permit these bands, paid out of the pockets of the taxpayers, to go on the radio on these occasions unless some group or citizen pays for one or more orchestras provided by Petrillo that are not present and do not perform and whose services are not needed or desired. Petrillo has reached such a point of dictatorial power and arrogance as to prevent his orchestras to appear on any broadcasting program unless these various demands are met. He has become a czar over broadcasting stations and over the organizations and groups who desire to use these stations. They must all pay tribute and give in to Petrillo.

We are told that Petrillo collects in tribute through his methods of coercion, extortion, duress, and threats annually approximately \$20,000,000. The American people have tolerated these conditions for a long time. They have been and are now demanding that Congress give them relief. Mr. Petrillo has himself to thank for bringing about this legislation. Petrillo has developed a constitution and bylaws for his organization, and as president he can modify or set aside provisions of the constitution and bylaws of this organization, and it is so set up that a very small minority controls the organization. Mr. Petrillo and his musicians have rights. The broadcasting stations and various organizations and groups who use these stations also have rights, and the rights, interests, and welfare of the American people as a whole must not be overlooked.

I favor the Rabin amendment because I believe in that wonderful motto engraved in marble over the door of the beautiful Supreme Court of the United States: "Justice Under Law." This is a land of law and order. No individual or group is justified in using force, violence, extortion, intimidation, or duress to accomplish their aims and purposes.

#### SUGGESTION TO CONFEREES

Mr. CASE of South Dakota. Mr. Chairman, under permission to extend my remarks at this point, I wish to say that if there is any thought that this bill forbids the right to strike for legitimate and equitable ends, it would be well to make clear that it does not.

On that ground the Rabin amendment seems desirable, although, as I sought to point out in my question directed to the gentleman from Kentucky [Mr. Robson], the bill makes use of the means described "unlawful" only for the accomplishment of certain enumerated purposes.

The broad language used, however, seems to make the use of any means whatsoever unlawful for the accomplishment of those purposes. So, regardless of what is done by way of amending the bill, I hope the conferees will examine

the language carefully when the bill goes to conference.

I am ready to concede that to make anything unlawful by the use of force, violence, intimidation, duress, or "by the use or express or implied threat of the use of other means" just about makes it unlawful by any means whatsoever.

The several forbidden goals of action in the six numbered subparagraphs under paragraph (a) and in the three numbered subparagraphs under paragraph (a) may all be things which should be forbidden under any circumstances; I do not know, because I am not familiar with the various phases of broadcasting production, but if, conceivably, under some circumstances, some of the practices may be desirable or unobjectionable we hardly should make it a crime to seek them by any and all means whatsoever.

The question is largely a technical one of language and I feel certain that the conferees will give it due consideration when they go into conference with the Members of the other body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. RABIN].

The question was taken; and on a division (demanded by Mr. RABIN) there were—ayes 42, noes 75.

Mr. MARCANTONIO. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. BULWINKLE and Mr. RABIN to act as tellers.

The Committee again divided and the tellers reported that there were—ayes 90, noes 137.

So the amendment was rejected.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: Page 2, line 7, after the word "employees" strike out the words "wanted by such licensee" and insert "needed by such licensee to perform actual services."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes on his amendment.

Mr. HOLIFIELD. Mr. Chairman—

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. BULWINKLE. I am in favor of accepting the amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. BROWN of Ohio. I favor the acceptance of the amendment.

Mr. HOLIFIELD. I appreciate the committee's agreeing to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. HOLIFIELD. Mr. Chairman, I offer a second amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: Page 2, line 13, after the word "employees" strike out the words "wanted by such licensee" and insert "needed by such licensee to perform actual services."

Mr. BULWINKLE. Mr. Chairman, the committee accepts the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, in offering these amendments to the pending bill, H. R. 5117, I do so in the hope that we can perfect this bill so I can support it.

As a friend of the rank and file of labor, proved by my legislative voting record, I cannot sanction the dictatorial and undemocratic methods of labor racketeers such as James C. Petrillo. Mr. James C. Petrillo has demonstrated throughout the years his utter disregard of democratic processes within the American Federation of Musicians. The bylaws and constitution of this union are undemocratic and un-American. They are subject to the personal edicts of Mr. Petrillo, without review or consideration of its members. The refusal of Mr. Petrillo to allow high-school orchestras, Army, Navy, and Marine Bands the privilege of broadcasting over the national broadcasting networks is against the public policy and the general welfare. The policy of "feather bedding," or enforcing the payment by broadcasters for stand-by or unused orchestras, is reprehensible racketeering.

The refusal to permit the broadcasting of programs from foreign countries is arbitrary and dangerous to the best chances for good international relations.

It is time for labor organizations to purge their ranks of the James C. Petrillos, the John L. Lewises, the Joseph C. Ryans, and their ilk. They are a stench in the nostrils to legitimate organized labor unions and do the cause of honest laboring people untold harm.

It is time for labor, whether it be the CIO, AFL, or any other labor organization, to come to mature age.

Labor unions must respect the responsibilities of contracts.

Labor unions must avoid jurisdictional disputes because they harm the employer and the public without cause or excuse.

Labor unions must purge the remaining racketeer leaders and become democratic organizations.

Labor unions must render an accounting of their collections of dues and expenditures to their members.

Unless the rank and file of labor unions participate in the control of the policy of their unions this program of responsibility and maturity, yes, and democracy, will not prevail.

I will continue to support the legitimate aims and procedures of organized labor, but I retain my own independence to vote for legislation which will stamp out the racketeer leaders and bad practices of labor unions.

Mr. PATRICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PATRICK: Page 4, line 21, after the word "both", strike out

the period and insert "but no person shall be guilty of a violation of this act or be subjected to the fine or imprisonment imposed in this act unless such person has committed an overt act attended by physical force or violence, or by a threat of physical force or violence."

Mr. PATRICK. Mr. Chairman, since we are providing a new yardstick here for legislation and undertaking that which we have never specifically undertaken before, let us be sure just how far we are going.

The purpose of the legislation is to prevent five separate things. The last is split into numbers 5 and 6.

Number 1, we make provision against anybody who does that which results in an excess of the number of employees wanted; 2, will enable union members to get money on account of failure to perform; 3, to get pay more than once for the same performance or musical service; 4, get paid for broadcasting which is not performed; then 5 and 6 is to refrain from broadcasting in two different instances. Those are the things that are sought to be prevented by the bill and if persons are guilty of violating any of those prohibitions they are guilty of a crime for which they may be fined a thousand dollars and sent to jail for a year—punitive stuff.

If this becomes law, let us see just how far we have gone—since we are sticking out our necks. My amendment provides that we shall not go that far against employment in this country unless the person that we are going to fine and/or imprison is guilty of an overt act which is attended by physical force and violence or threat of it. I do not believe it is intended by the Congress to step over and take unto itself the passage of a law that would go so much further than we have ever gone in past years in connection with the behavior of men trying to make a living in the United States of America. That is the reason I stated a while ago that unless the bill is amended so that it will not strike out innocent people I am not able to vote for it.

It seems to me there are those Members who have not yet realized how far it goes, if I am to be governed by the expressions I have heard from Members of the House here today. This is a very delicate situation we are approaching because we want men to make a living and we do not want to pass laws the enforcement of which will step beyond what a human being ought to be governed by in this country. The only way to handle this, in my opinion, is by shaping the bill so that it will not penalize men and women pursuing the rights of employment in their respective professions, and unless it is made more safe in this respect I shall be forced to vote against it. And this is a case we all want to do a good job on. Petrillo did not even do the courtesy of coming before our committee.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who just presented this amendment voted for the bill in its present form when it was reported by the committee, and I con-

sider the amendment that he has offered one which will cripple the bill, and therefore I ask that the amendment be rejected.

Mr. HOFFMAN. Mr. Chairman, I offer a substitute amendment and I ask unanimous consent that it be considered as read.

Mr. CASE of South Dakota. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. May I not offer the amendment that is on the Clerk's desk as a substitute for the gentleman's amendment?

The CHAIRMAN. It is not a substitute for the amendment offered by the gentleman from Alabama.

The question is on the amendment offered by the gentleman from Alabama.

The amendment was rejected.

Mr. PATRICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I merely want to clear the mind of my good friend the gentleman from Ohio [Mr. BROWN], who is a fine member of the committee, and I remind him, since he feels that this is pertinent, which I do not, that in the committee I voted the bill out with reservations, stating at the time that if I felt so inclined and the amendment did not take care of its ills I would oppose it.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I wish to apologize to the gentleman for misquoting him, if I have, and I wish to apologize to the House for compelling the gentleman to make a second speech.

Mr. PATRICK. I thank the gentleman. I think he owes an apology on that point.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment, and I make the same request I made before. I ask unanimous consent that the amendment be considered as read.

Mr. GALLAGHER. I object, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 1, strike out all after the words "A bill" and insert:

"To restore one of the four freedoms, the freedom of expression

"Be it enacted, etc., That it shall be unlawful for any person, firm, corporation, association, or group, to, directly or indirectly, intentionally or willfully interfere in any way with the lawful production, transmission, transportation, dissemination, or movement of any music, musical program, or radio broadcast thereof from any point within the continental United States or any of its Territories or possessions or land under its control or jurisdiction, to any point lying beyond the State or Territorial line of the State, Territory, or possession where such music or musical program, entertainment, or broadcast originates, is offered for transmission, or transportation, dissemination or movement, either over the air, the land, or the sea.

"Sec. 2. For any violation of this act the person, firm, corporation, association, or group responsible for such offense shall be subject to imprisonment in any penal institution under the control of the United States or any of the States for a period of not less than 6 days nor more than 5 years and the imposition of a fine of not less than \$100 nor more than \$5,000, or both such imprisonment and fine.

"Sec. 3. Any person violating any provision of this act may be prosecuted in any Federal district court, and jurisdiction to receive complaints, proceed to final hearing, judgment, and imposition of penalty is hereby conferred upon all Federal courts, notwithstanding the provisions of any other Federal or State law: *Provided, however,* That from any final judgment an appeal shall lie to the United States circuit court of appeals normally having jurisdiction over the territory in which the complaint originated, and an appeal from the judgment rendered by said circuit court of appeals may be taken to the Supreme Court of the United States in the customary manner.

"Sec. 4. In all prosecutions under this act, the procedure and the rules of evidence heretofore practiced by the courts of the several States and Territories and in circuit courts of appeals shall be followed, insofar as they may be applicable, and all other methods of procedure in conflict therewith shall not apply to prosecutions instituted under this act, except as the application of same may be found necessary to secure justice."

Mr. BULWINKLE (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment offered by the gentleman from Michigan be dispensed with and that it be printed in the Record at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. GALLAGHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there may be some merit in some of the criticism of Petrillo, but there is no merit in any bill that has the idea of bringing out the forces of hate and enacting them into law. I believe in the Golden Rule. I believe in the freedoms the American Constitution and the Declaration of Independence give the American people. If you want to pass a law to improve conditions in this country, do not begin by hating the common people of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. SPARKMAN, having assumed the chair, Mr. CLARK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 5117) to amend title V of the Communications Act of 1934 so as to prohibit certain coercive practices affecting radio broadcasting, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.



Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MARCANTONIO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARCANTONIO. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARCANTONIO moves to recommit the bill H. R. 5117 to the Committee on Interstate and Foreign Commerce with the recommendation that it report the bill back forthwith with the following amendment:

On page 1, line 9, after the comma following the word "duress", strike out the following language: "or by the use or implied threat of the use of other means."

On page 3, line 11, strike out the words "by the use or implied threat of the use of other means."

On page 4, line 15, insert a new section as follows:

"(d) Nothing herein contained shall prohibit the right to strike for any objective which may be attained through lawful negotiation."

Mr. BULWINKLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York.

Mr. MARCANTONIO. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. Brown of Ohio) there were—yeas 222, nays 43.

So the bill was passed.

The SPEAKER pro tempore. Pursuant to the rule, the Clerk will report the bill S. 63, an act to amend the Communications Act of 1934, as amended, so as to prohibit interference with the broadcasting of noncommercial cultural or educational programs.

The Clerk read the title of the Senate bill.

Mr. BULWINKLE. Mr. Speaker, I move to strike out all after the enacting clause of said Senate bill S. 63 and insert in lieu thereof the provisions of the bill H. R. 5117.

The Clerk read as follows:

Mr. BULWINKLE moves to strike out all after the enacting clause of the bill S. 63 and insert the provisions of the bill H. R. 5117.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. BULWINKLE].

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that the title of the

bill, S. 63, be amended to read as follows:

To amend title V of the Communications Act of 1934 so as to prohibit certain coercive practices affecting radio broadcasting.

The SPEAKER pro tempore. Without objection, the title will be amended accordingly.

There was no objection.

The SPEAKER pro tempore. Without objection, the proceedings whereby the bill H. R. 5117 was passed will be vacated and the bill laid on the table.

There was no objection.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### EXTENSION OF REMARKS

Mr. GROSS asked and was given permission to extend his own remarks in the RECORD.

#### THE FEED SITUATION

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, the feed situation in the Northeastern States has reached a crisis and is growing worse every day. The New England congressional delegates, responding to many public protest, have given the matter careful and vigorous attention but as yet the Government agencies concerned have taken no effective action to alleviate these desperate and growing feed shortages which are rapidly bringing farmers in the northeastern section of the country into a most dangerous position.

During the war and up to very recently the Government urged greater production of farm products, and I think it will be admitted that our farmers patriotically responded. Herds were built up, poultry flocks were increased, but now the Government has permitted a situation to develop whereby the feed necessary to take care of livestock and poultry has been greatly curtailed in supply, with the result that herds and flocks are being dispersed and slaughtered as these feed shortages grow. At the same time I understand that very sizable surpluses of poultry are accumulating and that the Government is sending commodities scarcer in supply overseas. It is difficult for our people and American farmers to understand the reasons for this policy.

In the meanwhile, in other sections of the country which furnish a large part of the feed supply to New England, because of current Government price policies, farmers are feeding corn to hogs in that it is more profitable to raise pork for the domestic market and for export than to sell corn to New England farmers for milk and poultry production. In these

remarks I am not criticizing or blaming western and midwestern farmers who are naturally taking advantage of the current favorable price situation, but I do assert that OPA and the Department of Agriculture ought to take effective action to furnish immediate, substantial, and practical relief to our New England farmers, many of whom are facing very serious conditions unless some assistance is given them at once.

The Department of Agriculture has recently promulgated amendment 4 to War Food Order 9-19 for release of quantities of soybean, linseed, cottonseed, and peanut feed. However well intended this regulation was, its effect will be practically negligible because it neither affords the amount or the kind of feed necessary to cope with our New England situation and meet current needs.

What New England needs and demands is more feed for our livestock and poultry now. There can be no delay without causing severe financial loss, hardship, and greatly curtailed dairy and food supplies. If OPA would adjust ceiling price differentials between corn and hogs as I have been urging for some time past, and if the Department of Agriculture would collaborate with these efforts and move to stabilize conditions in the feed industry, and if the ODT would insure adequate transportation for feed from western points to New England, just as it is now providing under No. 1 priorities for the movement of farm food shipments to our coastal ports for export, this urgent situation might be alleviated. As is well known, I favor humane help and assistance to distressed foreign peoples within the reasonable limits of our economy, but in this situation the real issue may well be: Will it be pork for overseas shipment, or milk for American children and American working men and women. I call upon the Government to act without further delay and without further discussion of technicalities.

#### LEGISLATIVE PROGRAM FOR TOMORROW AND NEXT WEEK

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I do this in order to ascertain the program for tomorrow and for next week.

Mr. McCORMACK. Tomorrow there will be no legislative program. There will be the reading of Washington's Farewell Address.

Monday next is District Day, but there is no bill.

On Monday and Tuesday we will take up the housing bill, H. R. 4761. There will be 1 day of general debate. On Tuesday we will meet at 11 o'clock, and I will ask unanimous consent, when I have concluded, that that permission be granted in order to take up the ships' sales conference report.

Mr. MARTIN of Massachusetts. That will come up on Tuesday?

Mr. McCORMACK. Yes, if that is agreeable to the gentleman.

Mr. MARTIN of Massachusetts. That is perfectly agreeable.

Mr. McCORMACK. H. R. 4199, the Civil Service Retirement Act, will be taken up on Wednesday. On Thursday and Friday we may meet at 11 o'clock, on either or both of those days. If the chairman of the committee requests it, then I shall ask the indulgence of the House to that effect. On those days we will consider the Department of Agriculture Appropriation bill, and the second rescission appropriation bill, if it can be reached.

That is the program for next week.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

#### HOURLY OF MEETING ON TUESDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next it adjourn to meet at 11 o'clock on Tuesday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, how long will the sessions continue next week? Will they continue past 5 or 6 o'clock, or how long?

Mr. McCORMACK. I cannot answer the gentleman on that question.

Mr. HOFFMAN. Does the gentleman have any idea?

Mr. McCORMACK. That will be left to the chairman of the committee and the ranking minority member, but my judgment would be probably not later than 5 o'clock. However, that is just a guess on my part, and I do not want it to be binding on the committee.

Mr. HOFFMAN. It would be a great convenience to many Members who would like to go home overnight if we could know something about it.

Mr. McCORMACK. I am sure the gentleman from Michigan appreciates the fact that the gentleman from Massachusetts tries to always be solicitous of the welfare of all Members of the House.

Mr. HOFFMAN. I realize that and I appreciate it, too.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### EXTENSION OF REMARKS

Mr. ROBSION of Kentucky asked and was given permission to revise and extend the remarks he made in Committee of the Whole, and to include some excerpts from the report on the bill and two or three short telegrams.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include a copy of a bill giving priority to veterans in Government housing.

Mrs. DOUGLAS of California asked and was given permission to extend her remarks in the RECORD in five instances, and to include in each certain excerpts.

Mrs. DOUGLAS of California. Mr. Speaker, on February 4, 5, 6, 7, 8, and 11, 1946, there appeared in the CONGRESSIONAL RECORD, extensions of my remarks in which I included a memorandum entitled "A Request for the Suspension of Argentina From the United Nations"

submitted to the General Assembly of the United Nations by the Nation Associates, January 1946.

I ask unanimous consent that these remarks be printed together in the permanent RECORD under date of February 11, 1946.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WHITE asked and was given permission to revise and extend his remarks in the RECORD and to include excerpts in two instances.

Mr. LINK asked and was given permission to extend his remarks in the RECORD.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today in two instances.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SIKES asked and was given permission to extend his own remarks in the RECORD.

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks in that part of the RECORD just before title II was struck from the school-lunch bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article entitled "Freedom Comes to the Philippines," written by Francis B. Sayre, one time High Commissioner of the Philippines, and who deals entirely with the situation that will be presented to the Filipinos upon acquiring their complete liberty. It is a very enlightening article and, notwithstanding the fact the Public Printer says it will cost \$156 to have this splendid article printed, I ask unanimous consent that it may be extended in the RECORD.

The SPEAKER pro tempore. Notwithstanding the cost, without objection the extension may be made.

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to appear in the debate in the Committee of the Whole this afternoon on the Rabin amendment immediately after the remarks of the gentleman from Kentucky [Mr. ROBSION], and supplementing the question I there asked him.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a newspaper article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BUFFETT (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the

RECORD in two instances and include brief excerpts.

Mr. GEARHART asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances and in each to include quotations from public prints.

#### SPECIAL ORDER GRANTED

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes today following the special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Illinois [Mr. RESA] is recognized for 15 minutes.

#### POLITICAL PROCESSES OF AMERICAN DEMOCRACY

Mr. RESA. Mr. Speaker, in a government responsible, as ours is, to the people, the method of formulating national policy and giving effect to it cannot be an instrument of the people's will unless it is understood by them and they have assented to it. Both these conditions—understanding and assent—require that the people shall from time to time examine the operation of the processes of their government and their political system so that changes which have taken place as the years have passed may not be permanently established without their assent, and not assented to without being understood. We are in a time which demands such an examination.

There is need to examine the manner in which our governmental processes are immersed in confusion by the fashion in which we operate our two-party political system. Approximately half of the nominations of candidates for election to Congress are made prior to the holding of the Republican and Democratic National Conventions in Presidential-election years. In obtaining these nominations the candidates of both parties have indicated their attitudes toward national issues and in many instances have made specific promises of courses of action to be carried out in the event of their election. Even where nominations are made in conventions or caucuses candidates generally receive them largely because of what they have led or permitted the people to believe they stand for. No matter how or when candidates have made their commitments to their constituents those commitments should be adhered to. Out of them by the democratic process of controversy and compromise a national policy could in due course be evolved. In such a process Congress would function as the source of national policy.

At its national convention each of the two main political parties nominates its candidates for the Presidency and the Vice Presidency and adopts a platform which is its program of national policy. In almost every instance this platform is to a large extent the embodiment of compromises designed to satisfy conflicting opinions among the delegates to the convention which adopts it. Being the product of compromises, the platform's



pledges can be neither so obvious nor so inescapable that congressional candidates should be expected to anticipate them and become bound by them in advance of the convention. The platform is never intended to be the embodiment of commitments made by congressional candidates who have already received their nominations; indeed, it may be in conflict with those commitments. Almost everyone can recall instances in which congressional candidates nominated after their party's national convention has been adjourned have withheld approval of some of the commitments made in their party's platform. To the program set forth in its platform each political party ordinarily commits only two men—its Presidential and Vice Presidential candidates. By this process for more than a half century our political system has tended to make the Presidency rather than the Congress the source of national policy.

The result of this is that in Presidential election years both the Democratic Party and the Republican Party go before the people with two candidates committed to what is called the party's national policy and more than 400 others obligated by a variety of commitments, many of which may be opposed to or inconsistent with the program incorporated in the party's platform.

The formulation of party policy and proposals does not end with the party convention. Presidential candidates never limit their campaign speeches to a recitation of the party platforms. It is customary that their discussions of problems and proposals as the campaign moves onward and the issues are developed encourage expectations beyond the scope of the party commitments made in convention, and sometimes make commitments not explicitly made, if made at all, in the party platforms. The people have developed the habit of considering these discussions as defining the issues of the campaign and declaring party policy regarding them. Congressional candidates not parties to the commitments made in the party conventions are even farther from being parties to the commitments made in this manner.

All this fosters conflicts that must later plague the administration of whichever party comes into power as the result of the election. Great disagreement has developed both among Republicans and among Democrats in the present Congress over several proposals discussed before the people during the last Presidential campaign and concerning which the political parties then seemed to be in substantial agreement. It is understandable that Members of Congress who had no part in making these proposals feel that they are under no obligation to carry them out. Disagreements between the Chief Executive and the Congress have recently been caused to receive widespread public attention. It is not the purpose of these remarks either to justify or to condemn these disagreements. It is their purpose to invite thoughtful attention to a system which causes national elections to be decided by proposals of policies declared to the people by party platforms and Presiden-

tial candidates when those policies cannot be given effect without the concurrence of a Congress not necessarily committed to them. Such a system cannot fail to lead to confusion in government. What the founders of our Nation intended to be a system of checks and balances has, in the present state of our two-party system, become a system of organized conflict.

The confusion so far described is only such as follows the operation of the two-party system in presidential-election years. We are now approaching midterm congressional elections in which 435 Members of the House of Representatives and 32 Members of the Senate will be candidates. No one expects them to seek nomination and election by reciting the 1944 platforms of their respective parties. But they will make commitments to their constituents and there is nothing in our political processes by which these commitments can be keyed to the President's program, or his program revised and adjusted so as to be in harmony with them. Within 8 months every Member of the House of Representatives and a third of the Members of the Senate will have mandates from the people more recent than the President's. These mandates will not all be alike.

This situation presents to the people for their careful consideration the question whether the tendency of our two-party system to make the Presidency the source of national policy should be permitted to go further without such modifications of the system as will make possible the effective exercise of that function. It also presents the further question whether without such modifications the functions of the Chief Executive in relation to national policy can ever successfully extend beyond giving to the Congress from time to time information on the state of the Union and recommending to its consideration such measures as he shall judge necessary and expedient, recognizing Congress as the source of national policy and depending for results upon the appeal which his recommendations may make to its judgment.

Notwithstanding the two theories presented by these questions are mutually contradictory, such is the confusion of public thinking regarding them that both are presently adhered to by the people. If a President forces Congress to bow to his will he is called a dictator; if he does not do so he is condemned for lack of leadership. If Congress yields to his demands it is called a rubber-stamp Congress; and if it asserts its own will by action or inaction it is condemned as recalcitrant, reactionary, or apathetic to the will of the people.

Those who feel called upon to express strong disapproval of the situation which has arisen regarding the President's domestic program should not suppose it to be necessary that the cause of their dissatisfaction be charged either to the President or to the Congress. Perhaps our confused political processes should bear the blame.

Confusion weakens government. Such is the world we live in that, being the wealthiest nation, we cannot afford

to be weak. The people of the United States are faced by questions upon which their thinking must be clear and resolute. Foggy and irresolute thinking did not produce the atomic bomb—and may not survive it.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Minnesota [Mr. O'HARA] is recognized for 20 minutes.

#### THE BERMUDA AVIATION CONFERENCE

Mr. O'HARA. Mr. Speaker, there are some disturbing elements in what has been and is taking place in world affairs which demands the attention of Congress.

An example is the recent Bermuda Aviation Conference wherein a corps of our docile diplomats from the State Department spent from January 15, 1946 to February 11, 1946 at the beautiful British resort of Bermuda to negotiate a bilateral aviation agreement with the United Kingdom. Details of that agreement were made public recently. I have given some thought and study to the document, and I confess that I have been somewhat confused by conflicting reports as to just who won at this parley.

It would appear to me that as usual, in negotiations between our State Department and some foreign country, we came out a poor second.

I urge that every Member of this body give careful study of how the United States, after winning the war, is rapidly losing the peace.

The Bermuda conference should certainly give concern to not only the air lines of our country and their employees, but to the officials and employees of railroads, truck and bus companies who will be hit by the competition from the British air lines which are to be permitted to fly to and through the United States proper.

It appears that the State Department is following the international air policy of former Assistant Secretary Adolf A. Berle, Jr.

The report of the Bermuda Aviation Conference confirms what Members of this body have long warned would happen if the Congress failed to enact, on behalf of this Nation, a sound, strong aviation policy, best designed to maintain our rightful leadership in the air and on all world trade routes.

In Bermuda our diplomats have successfully turned over to our European competitors the rule of the world skyways on which our own pioneers and our own pilots have done so much to win leadership for the United States.

The report is so drawn as to lead the average reader to believe that our two-fisted diplomacy had beaten the British on almost every count. That, of course, sets the theme for the proper publicity. Reading the terms of the agreement itself, however, prove the opposite. As I read it, the terms show that this country has granted the British every demand they have made. Of course, the British were clever, as usual, and applied the old system of accepting, with the greatest reluctance, terms and conditions that they themselves would have introduced had they not been offered first by the Americans.

We have granted the British not only the routes they wanted, but also the use of our military bases. We have not only opened up to them the whole United States, incredible as it seems, but we have even given them the right to determine what fares shall be made for carrying the American public on American aircraft, traveling anywhere in the world outside our own 48 States.

What I am concerned about is that in matters affecting transportation the State Department goes along making agreements which affect every form of transportation in this country, without even a suggestion of any review or action by the Congress, or its respective committees who are familiar with and have made a study of a national policy. I am advised that Members were given to understand that, pending specific legislation on an air policy, the executive department of our Government would make no commitments with a foreign government that would affect the future of our aviation industry and transportation without consulting Congress.

This is a most serious issue. I strongly feel, and I am sure that the majority in the Congress and the great majority of the citizens of this country feel, that the outcome of this issue will have a profound effect upon the future of this Nation in its world relationships and upon the security of our homes, our industry, and commerce in the era ahead.

It is certainly high time that something were done to halt this attack upon our assets and our abilities which add up to our national security and reconversion and which seriously affect our economic life line.

This sad situation in which aviation and transportation has been placed by "docile diplomats" cannot be laid altogether at the doorstep at Bermuda. It is the result of "we planned it that way" by some of the State Department's most liberal-minded do-gooders, going back to the early stages of the war, and it has been carried on with brilliant effectiveness, and I might also add that the brilliance is due to the lack of opposition in this body, rather than inspiration on the part of those who railroaded through this aviation policy before Congress could enact the Nation's expression of opinion on the subject. We should have been forewarned as to what would be the aerial demise of the United States.

We have, step by step, witnessed the laying of the foundation by those undoubtedly sincere, but amateur strategists of our foreign air relations. There is a very serious question of the legality of the Bermuda agreement. There is equally a serious question as to the legality of the question of the "freedom" of the air which this Government, by some obscure method, has put into effect without consulting the Congress.

The propaganda of the Bermuda release has been to emphasize the great sacrifice of the British in allowing United States flag air lines the use of those bases for which we traded a fleet of destroyers and which were turned from jungles and brush into great defensive strongholds at the expense of millions of dollars of the American taxpayer's

money. We hear little of the bases which we have allowed the British to use, with no fanfare on our part whatever. We have been told the air routes around the world which we may now fly—air routes, the right to which had been won years ago by our own private pioneering enterprise, before our Government was officially aware of aviation's importance.

We hear little of the air routes to and through the United States, and to and through the hemisphere which we have granted to the British, thereby turning over to their Empire air-line leadership in world airways once held by the United States.

We hear that the two Governments are now to join together to promote the economic development of aviation. We do not hear that the State Department has committed this Government to a cartel policy and has pledged itself to secure the authorization of this body to permit it to become a member of that cartel.

This conference agreement with the British is too important to let go unnoticed. If allowed to stand, I submit that it means the end of America's leadership in the air and a subservient position on the world's airways for all time to come. There may still be time, however, to put an end to this amateur dabbling in an issue which affects the security of America and which represents, in large measure, that for which millions of our men have fought and for which thousands of them have died.

I have already called your attention to the fact that I want the railroads, trucking, and bus interests of this country to examine the Bermuda concessions to the British because they are directly affected. I want to dwell on that point for a moment.

The British are permitted to fly their air lines in this country without limitation. These planes may pick up passengers in New York and carry them to the Orient; they may pick up passengers also for travel to South America via an eastern and a western route.

Traditionally, the air lines, the railroads, and the busses and trucks have carried passengers and cargoes to main gateways of the Nation for overseas destinations. This business is going to be shared now with the British air monopoly.

Under present terms of the Bermuda pact the British line cannot pick up and deliver passengers within the country. The passengers must be destined to a third country. But, Mr. Speaker, how long will it be before the hustle of post-war American business will result in pressure from hurrying businessmen and anxious tourists to demand the right to board the British ships flying across our land, and this is only the beginning. Highly prized American commerce and trade which should rightfully go to American transportation systems will be shared with other foreign nations. The Bermuda agreement is a pattern or model for similar bilateral agreements, with all of the nation members in the international aviation organization set up at the Chicago conference.

This latest arrangement with the British is limited to the United Kingdom and

it now becomes necessary for the establishment of similar arrangements with the air lines of all the other British dominions, thus duplicating the tremendous concessions made at Bermuda. Then it is contemplated that the French, the Dutch, the Russians, and South American republics, and others, will come in for a share of the highly desired trade and commerce of American origin.

Mr. Speaker, just what is going to happen to our own transportation facilities? They will be financially weakened by this foreign competition and be forced to call for help from their Government. Is that the plot behind this screwball policy? Is it contemplated that sooner or later, under stifling foreign competition, American railroads and American air lines will have to be taken over by the Government and nationalized? Are we in Congress to allow the free-enterprise system, upon which this Nation was built, to disappear because of our docile diplomats who have mighty ideas on establishing one big happy world family?

This Nation has thrived on the competitive system. Under the Bermuda agreement that system has not a chance to survive. Our diplomats have assented to the establishment of international rate-making machinery which defies competition. The reason is that our Civil Aeronautics Board, under the agreement, could not clear through the IATA—International Air Transport Association—a rate cut desired by an American air line without the consent of all parties.

It has already been demonstrated that Great Britain, and France do not want low rates based upon highly efficient American equipment and service. The British recently set the New York-London route fares and the French are setting the New York-Paris fares, both higher than those desired by some of the American lines operating those routes. Where is the competition under such a system? I am given to understand that the proposed international body which is to govern world air operations can even dictate the type of food to be served on American planes flying the world air routes, as well as the type of entertainment and other little special features offered by American lines to increase traveling pleasure.

For myself I want no part of this new venture into the field of international cartelism, and I am convinced that at Bermuda a government cartel dominated by the British was created.

All of us have read in the papers where some of our overseas airways had announced their goal of 10-hour flights across the Atlantic at a fare of approximately \$100 per passenger one way, and took the first step toward that goal by announcing a one-way fare of \$275 from the United States to England. Great Britain, whose own air carriers determined it could not fly the Atlantic profitably at such fare and undoubtedly for the further reason that their equipment is not ready to meet with American equipment, and wanting to stop American competition until such time as they are ready to meet it with both equipment and fares, promptly refused to permit said American planes to land



in the British Isles on more than the two flights a week which were guaranteed by treaty. The additional scheduled flights which had been allotted under this situation resulted in the American competitor having to increase its proposed fare from \$275 to \$375, charging the traveling public \$100 more than it thought necessary for a one-way flight across the Atlantic.

We have in this Bermuda Conference an example of the destruction of American enterprise, American ingenuity, American capital, and American labor, and the Bermuda conference provides the delay until such time as our foreign competitors will have gathered their resources to a point where our weakened transportation system will not have an opportunity to fairly compete with not only foreign competition abroad but will be cursed with the do-gooders at home.

I do urge that immediately Congress take hold of this matter, arouse itself from its lethargy and assume the responsibility which it has and prepare the necessary legislation in the proper committee. This business of Congress fiddling while its jurisdiction is destroyed is one which is tragic. These policies should not be written at some joyful watering place, where cocktail parties and diplomatic balderdash are in order, but rather in the committee rooms and legislative halls of Congress, where the membership dealing with the problem are concerned, not about what a delightful companion "Sir Henry" is, but with what is in the best interest of America.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BALDWIN of New York, for 18 days, on account of important business.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

- S. 323. An act for the relief of Thomas F. Gray;
- S. 400. An act for the relief of Elisabeth Andersen;
- S. 543. An act for the relief of Felix Fredrickson;
- S. 683. An act for the relief of Mrs. Marie Nepple, as executrix of the estate of Earl W. Nepple, deceased, and Mrs. Marie Nepple, individually;
- S. 865. An act for the relief the estate of Agnes J. Allberry;
- S. 1084. An act for the relief of John C. May and Eva Jenkins May;
- S. 1126. An act for the relief of Alice A. Murphy;
- S. 1131. An act for the relief of Jess Hudson;
- S. 1400. An act for the relief of Robert R. Rowe, Jr.;
- S. 1423. An act for the relief of Charles L. Phillips;
- S. 1588. An act for the relief of Mrs. Lona Wilson; and
- S. 1618. An act to exempt the Navy Department from statutory prohibitions against the employment of noncitizens, and for other purposes.

#### ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the

House adjourned until tomorrow, Friday, February 22, 1946, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

The Committee on Expenditures in the Executive Departments will hold hearings on surplus property at 10 a. m., Friday, February 22, 1946.

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Federal Trade Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, February 26, 1946.

Business to be considered: Resume public hearings on H. R. 2390 (to amend the act creating the Federal Trade Commission) to complete list of proponent witnesses. Federal Trade Commission representatives will be heard in opposition commencing February 27, to be followed by other opponent witnesses.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1081. A letter from the Secretary of War, transmitting a draft of a proposed bill to amend the Canal Zone Code, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

1082. A letter from the Administrator, Surplus Property Administration, transmitting a report on radio and electrical equipment; to the Committee on Expenditures in the Executive Departments.

1083. A letter from the Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on Disposition of Executive Papers.

1084. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill for the retirement of public-school teachers in the District of Columbia; to the Committee on the District of Columbia.

1085. A letter from the Archivist of the United States, transmitting a draft of a proposed bill to amend section 10 of the act establishing a National Archives of the United States Government; to the Committee on the Library.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 530. Resolution providing for the consideration of H. R. 4761, a bill to amend the National Housing Act by adding thereto a new title relating to the prevention of speculation and excessive profits in the sale of housing, and to insure the availability of real estate for housing purposes at fair and reasonable prices, and for other purposes; without amendment (Rept. No. 1593). Referred to the House Calendar.

Mr. MURDOCK: Committee on Irrigation and Reclamation. Senate Joint Resolution 136. Joint resolution changing the name of the Shoshone Dam and Reservoir to Buffalo Bill Dam and Reservoir in commemoration of the one hundredth anniversary of the birth of William Frederick Cody, better known as Buffalo Bill; without amendment (Rept. No. 1594). Referred to the House Calendar.

Mr. CAMP: Committee on Ways and Means. H. R. 3611. A bill to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes; without amendment (Rept. No. 1595). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1596. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1597. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH:

H. R. 5543. A bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; to the Committee on Military Affairs.

By Mr. HAGEN:

H. R. 5544. A bill authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of Iowa:

H. R. 5545. A bill granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Farmington, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. REED of New York:

H. R. 5546. A bill to provide for salary payments to certain individuals who while Members of the House of Representatives of the Seventy-seventh Congress served in the military or naval forces of the United States; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 5547. A bill to authorize a preliminary survey to determine the feasibility of constructing a canal from the Apalachicola River, near Wewahatchka, Fla., to East Bay, Fla.; to the Committee on Rivers and Harbors.

H. R. 5548. A bill to authorize a preliminary survey to determine the feasibility of reopening West Gap across St. Georges Island, Fla., from the Gulf of Mexico into Apalachicola Bay, Fla.; to the Committee on Rivers and Harbors.

By Mr. McDONOUGH:

H. R. 5549. A bill to provide that a veteran's compensation, pension, or retirement pay shall not be reduced during his hospitalization or domiciliary care; to the Committee on World War Veterans' Legislation.

By Mr. BRADLEY of Michigan:

H. R. 5550. A bill to provide funds for cooperation with the board of education of the Superior-Bay Mills Township Rural Agricultural High School, Brimley, Mich., in the construction of public-school facilities to be available to Indian children; to the Committee on Indian Affairs.

By Mr. HARLESS of Arizona:

H. R. 5551. A bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; to the Committee on Military Affairs.

By Mr. KING:

H. R. 5552. A bill relating to the sale by the United States of surplus vessels suitable for tuna fishing; to the Committee on Expenditures in the Executive Departments.

By Mrs. ROGERS of Massachusetts:

H. R. 5553. A bill relating to veterans' preferences in purchasing surplus property suit-

able for residential purposes; to the committee on Expenditures in the Executive Departments.

By Mr. D'ALESSANDRO:

H. R. 5554. A bill to provide for the establishment of the General Sam Smith National Historical Park in Baltimore, Md.; to the Committee on the Public Lands.

By Mr. HARRIS:

H. R. 5555. A bill to amend the Rural Electrification Act of 1936, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SPENCE:

H. J. Res. 321. Joint resolution to authorize the making of settlement on account of certain currency destroyed at Fort Mills, P. I., and for other purposes; to the Committee on Banking and Currency.

By Mr. BENNET of New York:

H. Con. Res. 129. Concurrent resolution to provide for a joint committee to investigate conditions in Palestine; to the Committee on Rules.

By Mr. PRICE of Illinois:

H. Res. 531. Resolution investigating the disruption of transportation on Toledo, Peoria & Western Railroad; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER. Memorial of the legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States to increase the aid to dependent children program; to the Committee on Labor.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUFFETT:

H. R. 5556. A bill for the relief of Jon Ovezia; to the Committee on Immigration and Naturalization.

By Mr. LEONARD W. HALL:

H. R. 5557. A bill for the relief of Mike Sopko; to the Committee on Claims.

By Mr. SIKES:

H. R. 5558. A bill for the relief of Mrs. W. T. Scarborough; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1612. By Mr. CLASON: Petition of the General Court of Massachusetts, urging the Congress to immediately pass legislation to so amend the Federal aid to dependent children law as to permit the matching with Federal funds of all amounts expended by States, or their political subdivisions, on account of aid to dependent children; to the Committee on Ways and Means.

1613. By Mr. DONDERO: Petition of the American Mothers of Detroit, Mich., expressing their opposition to a loan to Great Britain or similar loans that may be proposed to other nations but that attention be focused on the interests of this Republic (United States) and its citizens, including GI Joe; to the Committee on Banking and Currency.

1614. By Mr. DONDERO: Petition of the American Mothers of Detroit, Mich., urging that steps be taken to place the wheels in motion to include in any program for permanent peace in which the United States shall participate a disarmament provision for all nations and that an office to be known as Secretary of Peace be included within the President's Cabinet; to the Committee on Foreign Affairs.

1615. By Mr. GOODWIN: Memorial of the General Court of Massachusetts, to increase the aid to dependent children program; to the Committee on Ways and Means.

1616. By Mr. GRAHAM: Petition of 90 Pennsylvania Railroad employees, in support of House bill 1737, the Railroad Pension Act; to the Committee on Interstate and Foreign Commerce.

1617. By Mr. SUNDSTROM: A concurrent resolution of the New Jersey State Legislature, memorializing the United States Senate and House of Representatives not to ratify any treaty or agreement with the Dominion of Canada or pass any legislation which may provide for the construction of the St. Lawrence seaway; to the Committee on Foreign Affairs.

1618. By Mr. WELCH: Memorial of California House, Resolution No. 86, relating to development of Alaska and amendment of Servicemen's Readjustment Act of 1944, extending benefits to veterans for Alaska homesteads; to the Committee on World War Veterans' Legislation.

1619. Also, memorial of California Assembly, Joint Resolution No. 8, relative to amendment and extension of the Federal Social Security Act in respect to public assistance; to the Committee on Ways and Means.

1620. Also, memorial of California Assembly, Joint Resolution No. 15, relative to migratory birds and the open season for the taking thereof; to the Committee on Agriculture.

## SENATE

FRIDAY, FEBRUARY 22, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, who in every hour of destiny dost use human talents to accomplish Thy tasks and human lips to blow the trumpets of Thy freedom, in reverent and grateful remembrance of him whose birth we this day celebrate, help us not simply to glorify his name but to emulate his virtues. Meeting in this Capitol, whose foundation stones his hands helped to lay, listening once more to his wise words as he left the public stage of action, may Thy servants who now before their fellows and the world represent the Nation upon whose struggling beginnings his name and sign is forever affixed, like him, achieve calmness in turmoil, courage in danger, hope in despair, patience in perplexity, faith in eternal verities, and a conscience higher than fame and the praise of man; then at the end may we, too, like one drawing the draperies of his couch about him, lie down to dreamless sleep in sure confidence of the larger life, leaving behind the white monument of a character unsullied and a record blameless without stain or shame. Through riches of grace in Christ Jesus our Lord. Amen.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 21, 1946, was dispensed with, and the Journal was approved.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 63) to amend the Communications Act of 1934, as amended, so as to prohibit interference with the broadcasting of noncommercial cultural or educational programs, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 323. An act for the relief of Thomas F. Gray;

S. 400. An act for the relief of Elisabeth Andersen;

S. 543. An act for the relief of Felix Fredrickson;

S. 683. An act for the relief of Mrs. Marie Nepple, as executrix of the estate of Earl W. Nepple, deceased, and Mrs. Marie Nepple, individually;

S. 865. An act for the relief of the estate of Agnes J. Allberry;

S. 1084. An act for the relief of John C. May and Eva Jenkins May;

S. 1126. An act for the relief of Alice A. Murphy;

S. 1131. An act for the relief of Jess Hudson;

S. 1400. An act for the relief of Robert R. Rowe, Jr.;

S. 1423. An act for the relief of Charles L. Phillips;

S. 1588. An act for the relief of Mrs. Lona Wilson; and

S. 1618. An act to exempt the Navy Department from statutory prohibitions against the employment of noncitizens, and for other purposes.

#### CALL OF THE ROLL

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Murdock
Austin	Hawkes	O'Mahoney
Bailey	Hayden	Overton
Ball	Hickenlooper	Pepper
Bankhead	Hill	Radcliffe
Barkley	Hoey	Reed
Bilbo	Huffman	Revercomb
Brewster	Johnson, Colo.	Robertson
Bridges	Johnston, S. C.	Russell
Bushfield	Kilgore	Saltounstall
Butler	Knowland	Stanfill
Byrd	La Follette	Stewart
Capper	Lucas	Taft
Carville	McCarran	Thomas, Okla.
Chavez	McClellan	Thomas, Utah
Cordon	McFarland	Tunnell
Ellender	McKellar	Vandenberg
Ferguson	McMahon	Wheeler
Fulbright	Magnuson	Wherry
George	Mead	White
Gerry	Millikin	Wiley
Gossett	Mitchell	Willis
Gurney	Moore	Wilson
Hart	Morse	Young